FEDERAL REGISTER

VOLUME 18 NUMBER 163

Washington, Thursday, August 20, 1953

TITLE 3—THE PRESIDENT

PROCLAMATION 3029

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS opportunities for suitable and gainful employment are the hope and ambition of all workers, and the American system of free choice of occupations, consistent with each worker's abilities and interests, is best suited to provide such opportunities; and

WHEREAS a great many physically handicapped workers presently employed have proved the competence of such workers when they have been rehabilitated or otherwise properly prepared for suitable jobs; and

WHEREAS there is a continuing need for greater understanding of effective methods for the placement of physically handicapped workers in suitable occupations, and community participation in educational and promotional programs can best accomplish this purpose; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530) has designated the first week in October of each year as National Employ the Physically Handicapped Week, and has requested the President to issue a proclamation calling public attention to the need for Nation-wide support of and interest in the employment of otherwise qualified but physically handicapped men and women:

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of our Nation to observe the week beginning October 4, 1953, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on Employment of the Physically Handicapped in carrying out the purposes of the aforementioned joint resolution of Congress.

I also request the Governors of States, the mayors of municipalities, other public officials, leaders of industry and labor, and members of religious, civic, veterans', agricultural, women's, handicapped-persons' and fraternal organizations, as well as other groups representative of our national life, to take part in the observance of the designated week, in order to enlist the widest possible support of programs designed to increase opportunities in employment for the physically handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of August in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

WALTER B. SMITH,
Acting Secretary of State.

[F. R. Doc. 53-7410; Filed, Aug. 19, 1953; 9:40 a. m.]

EXECUTIVE ORDER 10480

FURTHER PROVIDING FOR THE ADMINISTRATION OF THE DEFENSE MOBILIZATION PROGRAM

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 et seq.) and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

PART I. GENERAL DIRECTION OF PROGRAM

SECTION 101. (a) The Director of the Office of Defense Mobilization shall, on behalf of the President, coordinate all mobilization activities of the executive branch of the Government, including all such activities relating to production, procurement, manpower, stabilization, and transport. Every officer and agency of the Government having functions under the Defense Production Act of 1950, as amended, delegated, redelegated, or otherwise assigned thereto by or under the authority of the President after the date of this order (whether heretofore or hereafter acquired, or acquired by this order) shall perform the said functions subject to the direction and control of

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE—Con.

the Director of the Office of Defense Mobilization.

(b) In carrying out the functions conferred upon him by this order, the Director of the Office of Defense Mobilization shall, among other things:

(1) Perform the central programming functions incident to the determination of the production programs required to meet defense needs.

(2) Make determinations as to the provision of adequate facilities for defense production and as to the procedure and methods followed by agencies of the Government with respect to the accomplishments of defense production programs.

(3) Be the certifying authority for the purposes of and within the meaning of subsections (e) and (g) of Section 124A of the Internal Revenue Code, as added by section 216 of the Revenue Act of 1950, approved September 23, 1950.

(4) Issue such directives, consonant with law, on policy and program to officers and agencies of the Government for execution by them as may be necessary to carry out the functions assigned to him by this order, and resolve interagency issues which otherwise would require the attention of the President.

(5) Report to the President from time to time concerning his operations under this order.

SEC. 102. (a) There is hereby established in the Office of Defense Mobilization the Defense Mobilization Board, which shall consist of the Director of the Office of Defense Mobilization as Chairman, the Secretaries of State, Defense, the Treasury, the Interior, Commerce, Agriculture, and Labor, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Foreign Operations Administration, and such other officials of the Government as the Director of the Office of Defense Mobilization may from time to time designate. The said Board shall be advisory to the Director of the Office of Defense Mobilization.

(b) The Director of the Office of Defense Mobilization shall be chairman of the National Advisory Board on Mobilization Policy established by Executive Order 10224 of March 15, 1951 (16 F. R. 2543)

PART II. PRIORITIES AND ALLOCATIONS

SEC. 201. (a) The functions conferred upon the President by Title I of the Defense Production Act of 1950, as amended, are hereby delegated to the Director of the Office of Defense Mobilization, who shall, in carrying out the said functions, provide by redelegation or otherwise for their performance, subject to the provisions of section 101 of this order, by

(1) The Secretary of the Interior with respect to petroleum, gas, solid fuels and electric power.

(2) The Secretary of Agriculture with respect to food and with respect to the domestic distribution of farm equipment and commercial fertilizer.

(3) The Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission, with respect to domestic transportation, storage, and port facilities, or the use thereof, but excluding air transport, coastwise, intercoastal, and overseas shipping.

(4) The Secretary of Commerce with respect to all other materials and facilities.

(b) Findings made under or pursuant to and for the purposes of section 101 (b) of the Act shall not be effective until approved by the Director of the Office of Defense Mobilization.

PART III. EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

SEC. 301. The Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, the Department of Commerce, the Department of the Interior, the Department of Agriculture, and the General Services Administration, in this Part referred to as guaranteeing agencies, and each officer having functions delegated to him pursuant to section 201 (a) of this order shall develop and promote measures for the expansion of productive capacity and of production and supply of materials and facilities necessary for the national defense.

SEC. 302. (a) Each guaranteeing agency is hereby authorized, in accordance with section 301 of the Defense Production Act of 1950, as amended, subject to the provisions of this section, in order to expedite production and deliveries or services under Government contracts, and without regard to provisions of law relating to the making, performance, amendment, or modification of contracts, to guarantee in whole or in part any public or private financing institution (including any Federal Reserve Bank) by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made by such financing institution for the purpose of financing any contractor, subcontractor, or other person in connection with the performance of any contract or other operation deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense, or for the purpose of financing any contractor, subcontractor, or other person in connection with or in contemplation of the termination, in the interest of the United States, of any contract made for the national defense; but no small business concern (as defined in section 714 (a) (1) of the said Act) shall be held ineligible for the issuance of such a guaranty by reason of alternative sources of supply.

(b) Each Federal Reserve Bank is hereby designated and authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of section 301 of the said Act, as amended, in respect to private financing institutions.

(c) All actions and operations of Federal Reserve Banks, under authority of or pursuant to section 301 of the said Act, as amended, shall be subject to the supervision of the Board of Governors of the Federal Reserve System. Said Board is hereby authorized, after consultation with the heads of the guaranteeing agencies, (1) to prescribe such regula-

tions governing the actions and operations of fiscal agents hereunder as it may deem necessary, (2) to prescribe, either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through such fiscal agents, and (3) to prescribe regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

SEC. 303. The Administrator of General Services is hereby authorized and directed to purchase and make commitments to purchase metals, minerals, and other materials, for Government use or resale, as authorized by and subject to the provisions of section 303 of the Defense Production Act of 1950, as amended: *Provided*, That the Secretary of Agriculture may also exercise the said functions under section 303 of the said Act, as amended, with respect to food, and with respect to plant fibers (except abaca) not included in the definition of food to the extent that the procurement of such fibers involves the encouragement and development of sources of supply within the United States and its Territories and possessions.

SEC. 304. The Director of the Office of Defense Mobilization is hereby authorized and directed to encourage the exploration, development, and mining of critical and strategic minerals and metals, as authorized by and subject to the provisions of section 303 of the Defense Production Act of 1950, as amended.

SEC. 305. The Administrator of General Services is hereby authorized and directed to make subsidy payments, to determine the amounts, manner, terms, and conditions thereof, and to make findings, as authorized by and subject to the provisions of section 303 (c) of the Defense Production Act of 1950, as amended.

SEC. 306. The functions conferred upon the President by section 303 (e) of the Defense Production Act of 1950, as amended, with respect to the installation of additional equipment, facilities, processes, or improvements to plants, factories, and other industrial facilities owned by the United States Government, and with respect to the installation of Government-owned equipment in plants, factories, and other industrial facilities owned by private persons, are hereby delegated to the Administrator of General Services.

SEC. 307. The functions conferred upon the President by section 303 (f) of the Defense Production Act of 1950, as amended, with respect to transfers to the stockpile referred to in the said section, are hereby delegated to the Director of the Office of Defense Mobilization.

SEC. 308. The authority conferred upon the President by section 304 (b) of the Defense Production Act of 1950, as amended, to approve borrowing from the Treasury of the United States is hereby delegated to the Director of the Office of Defense Mobilization.

SEC. 309. All functions provided for in sections 303 to 307, inclusive, and in sections 310 and 311 of this order, shall be carried out within such amounts of funds as may be made available pursuant to the Defense Production Act of 1950, as amended.

SEC. 310. (a) The Reconstruction Finance Corporation is hereby authorized and directed to make loans (including participations in, or guarantees of, loans) to private business enterprises (including research corporations not organized for profit) for the expansion of capacity, the development of technological processes, and the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, exclusive of such expansion, development and production in foreign countries, as authorized by and subject to section 302 of the Defense Production Act of 1950, as amended.

(b) Loans under section 310 (a) hereof (1) shall be made upon such terms and conditions as the Corporation shall determine, (2) shall be made only after the Corporation has determined in each instance that financial assistance is not available on reasonable terms from private sources or from other governmental sources, and (3) except in the case of working capital loans (involving no more than minor expansion of capacity which is incidental to a loan for working capital) shall be made only upon certificate of essentiality of the loan, which certificate shall be made by the Director of the Office of Defense Mobilization.

(c) Applications for loans under section 310 (a) hereof shall be received from applicants by the Corporation or by such agencies of the Government as the Corporation shall designate for this purpose.

SEC. 311. (a) The Export-Import Bank of Washington is hereby authorized and directed to make loans (including participations in, or guarantees of, loans) to private business enterprises, for the expansion of capacity, the development of technological processes, and the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, in those cases where such expansion, development or production is carried on in foreign countries, as authorized by and subject to section 302 of the Defense Production Act of 1950, as amended.

(b) Loans under section 311 (a) hereof (1) shall be made upon such terms and conditions as the said Bank shall determine, (2) shall be made only after the Bank has determined in each instance that financial assistance is not available on reasonable terms from private sources and that the loan involved cannot be made under the provisions of and from funds available to the Bank under the Export-Import Bank Act of 1945, as amended, and (3) shall be made only upon certificate of essentiality of the loan, which certificate shall be made by the Director of the Office of Defense Mobilization.

(c) Applications for loans under section 311 (a) hereof shall be received from applicants by the said Bank or by such agencies of the Government as the Bank shall designate for this purpose.

SEC. 312. The functions conferred by sections 303, 305, and 306 of this order shall be carried out in accordance with programs certified by the Director of the Office of Defense Mobilization. Each officer and agency of the Government delegated or assigned functions by or pursuant to Part II or Part III of this order shall make recommendations to the Director of the Office of Defense Mobilization for the issuance of certificates or other action under sections 302 and 303 of the Defense Production Act of 1950, as amended, and for the issuance of certificates under subsections (e) and (g) of Section 124A of the Internal Revenue Code, with respect to the materials and facilities within his or its particular jurisdiction.

SEC. 313. The Director of the Office of Defense Mobilization is hereby authorized and directed to submit to the Congress the reports required by the second proviso of section 304 (b) of the Defense Production Act of 1950, as amended.

PART IV. LABOR SUPPLY

SEC. 401. The Secretary of Labor shall utilize the functions vested in him so as to meet most effectively the labor needs of defense industry and essential civilian employment, and to this end he shall:

(a) Assemble and analyze information on, and make a continuing appraisal of, the nation's labor requirements for defense and other activities and the supply of workers. All agencies of the Government shall cooperate with the Secretary in furnishing information necessary for this purpose.

(b) Consult with and advise each delegate of the Director of the Office of Defense Mobilization referred to in section 201 (a) of this order and each official of the Government exercising guarantee or loan functions under Part III of this order concerning (1) the effect of contemplated actions on labor supply and utilization, (2) the relation of labor supply to materials and facilities requirements, (3) such other matters as will assist in making the exercise of priority and allocations functions consistent with effective utilization and distribution of labor.

(c) Formulate plans, programs, and policies for meeting defense and essential civilian labor requirements.

(d) Utilize the public employment service system, and enlist the cooperation and assistance of management and labor to carry out these plans and programs and accomplish their objectives.

(e) Determine the occupations critical to meeting the labor requirements of defense and essential civilian activities and with the Secretary of Defense, the Director of Selective Service, and such other persons as the Director of the Office of Defense Mobilization may designate develop policies applicable to the induction and deferment of personnel for the armed services, except for civilian personnel in the reserves.

PART V. VOLUNTARY AGREEMENTS

SEC. 501. The functions conferred upon the President by section 708 of the Defense Production Act of 1950, as amended, are hereby delegated to the Director of the Office of Defense Mobilization. Each officer of the Government to whom functions under Title I of the Defense Production Act of 1950, as amended, are delegated or otherwise assigned by the Director of the Office of Defense Mobilization under section 201 (a) hereof may, with respect to the materials and facilities within his jurisdiction, carry out the consultations referred to in subsection 708 (a) of that Act, and make recommendations to the Director of the Office of Defense Mobilization for the approval of voluntary agreements and programs as provided in section 708 of that Act.

PART VI. GENERAL PROVISIONS

SEC. 601. As used in this order:

(a) The term "functions" includes powers, duties, authority, responsibilities, and discretion.

(b) The term "materials" includes raw materials, articles, commodities, products, supplies, components, technical information, and processes, but excludes fissionable materials as defined in the Atomic Energy Act of 1946.

(c) The term "petroleum" shall mean crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for the movement thereof.

(d) The term "gas" shall mean natural gas and manufactured gas, including pipelines for the movement thereof.

(e) The term "solid fuels" shall mean all forms of anthracite, bituminous, subbituminous, and lignitic coals; coke; and coal chemicals.

(f) The term "electric power" shall mean all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(g) The term "metals and minerals" shall mean all raw materials of mineral origin, including their refining and processing but excluding their fabrication.

(h) The term "food" shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(i) The term "farm equipment" shall mean equipment manufactured for use on farms in connection with the production or processing of food.

(j) The term "fertilizer" shall mean fertilizer in form for distribution to the users thereof.

(k) The term "domestic transportation, storage, and port facilities" shall include locomotives, cars, motor vehicles, watercraft used on inland waterways, in harbors, and on the Great Lakes, and other vehicles, vessels, and all instrumentalities of shipment or carriage, irrespective of ownership, and all services in or in connection with the carriage of persons or property in intrastate, interstate, or foreign commerce within the United States, its Territories and possessions, and the District of Columbia, except movement of petroleum and gas by pipeline; and warehouses, piers, docks, wharves, loading and unloading equipment, and all other structures and facilities used in connection with the transshipment of persons and property between domestic carriers and carriers engaged in coastwise, intercoastal, and overseas transportation.

SEC. 602. (a) Except as otherwise provided in section 602 (c) of this order, each officer or agency of the Government having functions under the Defense Production Act of 1950, as amended, delegated or assigned thereto by or pursuant to this Executive order may exercise and perform, with respect to such functions, the functions vested in the President by Title VII of the said Act.

(b) The functions which may be exercised and performed pursuant to the authority of section 602 (a) of this order shall include, but not by way of limitation, (1) except as otherwise provided in section 708 (c) of the Defense Production Act of 1950, as amended, the power to redelegate functions, and to authorize the successive redelegation of functions, to agencies, officers, and employees of the Government, (2) the power to create an agency or agencies, under the jurisdiction of the officer concerned, to administer functions delegated or assigned by or pursuant to this order, and (3) in respect of Part II of this order, the power of subpoena: *Provided*, That the subpoena power shall be utilized only after the scope and purpose of the investigation, inspection, or inquiry to which the subpoena relates have been defined either by the appropriate officer referred to in section 602 (a) of this order or by such other person or persons as he shall designate.

(c) There are excluded from the functions delegated by section 602 (a) of this order (1) the functions delegated by Part V of this order, (2) the functions of the President under section 710 (a) of the Defense Production Act of 1950, as amended, (3) the functions of the President with respect to regulations under sections 710 (b) 710 (c) and 710 (d) of the said Act, and (4) the functions of the President with respect to fixing compensation under section 703 (a) of the said Act.

(d) The functions conferred upon the President by section 710 (a) of the Defense Production Act of 1950, as amended, are hereby delegated as follows:

(1) Each officer or agency of the Government having functions under the said act delegated or assigned to such officer or agency by or pursuant to this order shall submit to the Chairman of the United States Civil Service Commission such requests for classification of positions in grades 16, 17, and 18 of the General Schedule as may be necessary, and shall accompany any such request with a certificate stating that the duties of the position are essential and appropriate for the administration of the said Act.

(2) Each requested position shall be placed in the appropriate grade of the General Schedule in accordance with the standards and procedures of the Classification Act of 1949, except that the placement of positions in Grade 18 of the General Schedule, and the removal of positions therefrom, shall be accomplished by the Chairman of the United States Civil Service Commission (instead of by the President upon the recommendation of the said Commission). No person shall be employed in a position of grade 16, 17, or 18 under authority of section 710 (a) of the Defense Production Act of 1950, as amended, except pursuant to notice of the Chairman of the United States Civil Service Commission of the classification of the position.

SEC. 603. All agencies of the Government (including, as used in this order, departments, establishments, and corporations) shall furnish to each officer of the Government to whom functions under the Defense Production Act of 1950, as amended, are delegated or assigned by or pursuant to this order such information relating to defense production or procurement, or otherwise relating to the said functions, delegated or assigned to such officer by or pursuant to this order as may be required to perform those functions.

SEC. 604. The Defense Materials Procurement Agency established by Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789) is hereby abolished and the personnel, records, property, and unexpended balances of appropriations, allocations and other funds thereof shall be transferred from it to the General Services Administration for use in connection with the functions assigned or delegated to the Administrator of General Services by or pursuant to this order or for purposes of liquidation, as the said Administrator shall determine.

SEC. 605. The Economic Stabilization Agency, established by Executive Order No. 10161 of September 9, 1950, is continued to October 31, 1953, under the direction of the Director of the Office of Defense Mobilization who shall serve *ex officio* as the Economic Stabilization Administrator for the purpose of winding up and liquidating the affairs of said Agency.

SEC. 606. All orders, regulations, rulings, certificates, directives and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority, and nothing in this order shall affect the validity or force of anything heretofore done under previous delegations or other assignment of authority under the Defense Production Act of 1950, as amended.

SEC. 607. The following are superseded or revoked:

(1) Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105).
(2) Executive Order No. 10169 of October 11, 1950 (15 F. R. 6901).
(3) Executive Order No. 10193 of December 16, 1950 (15 F. R. 9031).
(4) Executive Order No. 10200 of January 3, 1951 (16 F. R. 61).
(5) Executive Order No. 10223 of March 10, 1951 (16 F. R. 2247).
(6) Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789).
(7) Executive Order No. 10324 of February 6, 1952 (17 F. R. 1171).
(8) Executive Order No. 10359 of June 9, 1952 (17 F. R. 5269).
(9) Executive Order No. 10373 of July 14, 1952 (17 F. R. 6425).
(10) Executive Order No. 10377 of July 25, 1952 (17 F. R. 6891).
(11) Executive Order No. 10390 of August 30, 1952 (17 F. R. 7995).
(12) Executive Order No. 10433 of February 4, 1953 (18 F. R. 761).
(13) Executive Order No. 10467 of June 30, 1953 (18 F. R. 3777).

SEC. 608. To the extent that any provision of any prior Executive Order (including Executive Order No. 10461 of June 17, 1953 (18 F R. 3513)) is inconsistent with the provisions of this order, the latter shall control and such prior provision is amended accordingly. The following designated orders, modified as required to conform them to the provisions of this order, shall remain in effect:

Executive Order No. 10182 of November 21, 1950 (15 F. R. 8013), as amended by Executive Order No. 10205 of January 16, 1951 (16 F. R. 419).

Executive Order No. 10219 of February 28, 1951 (16 F. R. 1983).

Executive Order No. 10224 of March 15, 1951 (16 F. R. 2543).

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 14, 1953.

[F. R. Doc. 53-7384; Filed, Aug. 18, 1953; 2:51 p. m.]

EXECUTIVE ORDER 10481

DESIGNATION OF CERTAIN OFFICERS OF THE DEPARTMENT OF AGRICULTURE TO ACT AS SECRETARY OF AGRICULTURE

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6) and as President of the United States, it is hereby ordered as follows:

1. In the case of the absence, sickness, resignation, or death of both the Secretary of Agriculture and the Under Secretary of Agriculture, the Assistant Secretaries of Agriculture, in the order of precedence as determined from time to time by the Secretary of Agriculture, shall perform the duties of the office of Secretary of Agriculture.

2. This order supersedes Executive Order No. 9967 of June 12, 1948, entitled "Designation of Certain Officers to Act as Secretary of Agriculture"

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 15, 1953.

[F. R. Doc. 53-7386; Filed, Aug. 18, 1953; 2:51 p. m.]

EXECUTIVE ORDER 10482

PROVIDING FOR AN ADDITIONAL MEMBER OF THE GOVERNMENT CONTRACT COMMITTEE

By virtue of the authority vested in me by the Constitution and statutes and as President of the United States, it is ordered that section 3 of Executive Order No. 10479 of August 13, 1953, entitled "Executive Order Establishing the Government Contract Committee" shall be, and it is hereby, amended (1) by striking from the preamble of the said section the word "fourteen" and inserting in lieu thereof the word "fifteen", and (2) by striking from paragraph (b) of the said section the word "Eight" and inserting in lieu thereof the word "Nine."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 15, 1953.

[F. R. Doc. 53-7385; Filed, Aug. 18, 1953; 2:51 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Miscellaneous Regulations

[FHA Instructions 448.1, 448.2]

PART 384—SPECIAL LIVESTOCK LOANS

SUBPART A—LOAN POLICIES

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384.21 Definitions.
384.22 Loan forms and routines.
384.23 Loan closing.

AUTHORITY: §§ 384.1 to 384.23 issued under R. S. 121; 5 U. S. C. 22. Interpret or apply sec. 2 (c) as added by 67 Stat. 149.

SUBPART A—LOAN POLICIES

§ 384.1 *General.* (a) Special Livestock loans are made to provide emergency credit to established producers and feeders of cattle, sheep, and goats (excluding commercial feed lot operators) who have good records of operations, are unable temporarily to obtain from recognized lenders the credit needed to continue their operations, and have reasonable prospects of working out their difficulties with the assistance of emergency credit.

(b) As used in this part 384, "Committee" is the Special Livestock Loan Committee appointed by the Secretary of Agriculture, pursuant to Public Law 38, as amended; "County Supervisor" and "State Director" are officials of the Farmers Home Administration in charge of County Offices and State Offices, respectively of that agency; "County Office," "State Office," and "National Office" are offices of the Farmers Home Administration; "Representative of the Office of the Solicitor" is the attorney in charge of a field office of the Office of the Solicitor, Department of Agriculture.

§ 384.2 *Eligibility.* Any person (partnership, corporation, or other business organization but not a commercial feed lot operator) who is an established producer and feeder of cattle, sheep, or goats, is eligible for a Special Livestock loan if he:

(a) Is unable temporarily to obtain needed credit from commercial banks, cooperative lending agencies, or other responsible sources for the purpose of continuing his normal livestock operations.

(b) Has a good record of operations. This means that the applicant has in the past carried on financially sound livestock operations, and has a reputation for honesty, integrity and paying his debts.

(c) Has reasonable prospects for success. This means that the applicant has the resources, experience, and management ability, which, with the credit extended through a loan, will, under normal conditions enable him to continue in business, meet operating expenses, maintain or replace his capital assets, and retire his present indebtedness, as well as repay the loan made by the Government.

§ 384.3 *Applicant certification.* Before a loan is approved, the applicant must make the necessary certifications by executing Form FHA-910A, "Applicant Certification and Committee Action—Special Livestock Loan."

§ 384.4 *Committee action.* (a) The Committee will approve Special Livestock loans on Form FHA-910A in accordance with the policies contained herein. Any loan which would cause the unpaid principal balance on Special Livestock loans to exceed $50,000 for any one borrower must also be approved by the Secretary. In approving a loan the Committee will determine:

(1) That the applicant is eligible for a Special Livestock loan under the requirements of § 384.3.

(2) That the amount of the loan is needed by the applicant to continue his livestock operations.

(3) That funds are being loaned for purposes authorized in § 384.5.

(b) The Committee's consideration of the applicant's eligibility and the purposes and amount of the loan will be based on information furnished by the applicant; the applicant's creditors and other references; the County Supervisor or a Livestock Inspector, as a result of his investigation; and members of the Committee on the basis of their personal knowledge of the applicant and his operations.

(c) For applications which would cause the unpaid principal balance on Special Livestock loans to exceed $50,000 for any one borrower, the loan docket, after approval or rejection, will be sent to the National Office or such other place as the Secretary may designate.

§ 384.5 *Loan purposes.* (a) Special Livestock loans may be made for purposes which are essential to carrying on livestock operations, such as the following:

(1) The purchase or production of feed.

(2) The payment of customary and equitable charges for grazing permits and for the use of farm buildings, pasture land, and land for the production of feed crops.

(3) The hire, repair, or replacement of farm machinery and equipment.

(4) The building or repair of fences.

(5) The transportation of livestock, including movements to and from grazing lands.

(6) The payment of not more than one year's interest on debts secured by liens on chattels or real estate, for any one operating year, when a deferment of such interest cannot be arranged.

(7) The payment of not more than one year's taxes on real and personal property within any one tax year.

(8) The payment of insurance premiums. Loan funds will not be advanced to pay life insurance premiums, however, unless such action is necessary for the continuance of the insurance. When funds are advanced for the payment of life insurance premiums, the insurance will be assigned to the Farmers Home Administration or made payable to the borrower's estate, if required by the Committee as a means of protecting the Government's interest.

(9) The purchase of livestock for replacement or restocking purposes but not to permit material expansion of normal operations.

(10) The repair or improvement of livestock and domestic water supplies.

(11) The repair of existing irrigation systems.

(12) The payment of essential living expenses.

(13) The costs of normal maintenance of farm and ranch buildings.

(14) Other operating expenses, including costs incident to the making of Special Livestock loans.

(b) No Special Livestock loan may be approved:

(1) After July 13, 1955.

(2) To refinance existing debts, either secured or unsecured, except current incidental bills.

(3) To establish an applicant in livestock operations.

(4) To assist an applicant to engage in commercial feed lot operations.

§ 384.6 *Rates and terms.* Special Livestock loans will bear interest from the date of the advance at the rate of 5 percent per annum on the unpaid principal balance. Such loans will be scheduled for repayment as rapidly as possible consistent with the applicant's estimated ability to repay, but no loan may be scheduled in the first instance over a period longer than three years.

§ 384.7 *Security requirements.* Each Special Livestock loan will be secured for its full amount by the personal obligation and available security of the applicant. When a loan is made to a corporation or other business organization, it will be secured also by the personal obligation and available security of each person holding as much as 10 percent of the stock or other interest in the corporation or other business organization. As a minimum, security for each loan will consist of:

(a) The best lien obtainable on all livestock and farm equipment owned by the applicant at the time the loan is made.

(b) A first lien on all livestock and farm equipment purchased with proceeds of the loan.

(c) The best lien obtainable on all crops.

(d) The best lien obtainable on the applicant's real estate when, in the opinion of the Committee, such action is necessary for the protection of the Government's interest and the applicant has sufficient equity in the real estate to provide the Government additional security for the loan.

(1) When a loan is to be secured by a lien on real estate, the applicant will be required to provide, at his expense (i) a certificate of title prepared by a title company or a local practicing attorney covering a period determined by the representative of the Office of the Solicitor as being sufficient to provide satisfactory evidence of title, (ii) mortgagee's title insurance, or (iii) an abstract of title. If a certificate of title is to be accepted and the real estate to be offered as security is subject to a lien securing an advance made by an established real estate lending institution, or has been transferred recently by the Federal Government, the certificate need cover only the period since the date of the encumbrance or transfer, but it must show all later encumbrances against the property. Any evidence of title presented pursuant to this section will be examined by the representative of the Office of the Solicitor to determine the dignity of the Government's lien. However, when necessary, a loan may be closed before the requirements concerning the taking of real estate security have been completed if the applicant agrees in writing, before the loan is closed, to comply with such requirements as soon as possible.

§ 384.8 *Arrangements with other creditors.* (a) Before a loan is closed, the applicant will be required to obtain non-disturbance agreements for the repayment period of the loan from creditors holding liens on livestock. Similar agreements will be obtained from other creditors when the Committee determines that the debts of such creditors are likely to jeopardize the applicant's livestock operations.

(b) Before a loan is closed, agreements will be worked out with other creditors having prior liens on the applicant's livestock for the Government to receive during the period of the loan a stated percentage of the applicant's income from normal sales of livestock and livestock products.

§ 384.9 *Revision in use of loan funds.* Special Livestock loan borrowers are required to obtain the approval of the Committee before making any major changes in the use of loan funds.

SUBPART E—LOAN PROCESSING

§ 384.21 *Definitions.* (a) An initial Special Livestock loan is one made to an applicant who is not indebted on such a loan.

(b) A subsequent Special Livestock loan is one made to an applicant already indebted on such a loan.

§ 384.22 *Loan forms and routines—*(a) *Application and certifications.* (1) All applicants for Special Livestock loans will execute both Form FHA–910A, "Applicant Certification and Committee Action—Special Livestock Loan," and Form FHA–197A, "Report on Application for Loan." When the applicant is a partnership, corporation, or other business organization, financial statements will be obtained from each partner and from each person holding as much as 10 percent of the stock or other interest in the corporation or organization.

(2) Forms FHA–910A and 197A will be submitted to either the County Office serving the territory in which the applicant's operations are being conducted or directly to the Committee and forwarded to that County Office.

(b) *Multiple advances.* Loans may be processed for immediate disbursement of the full amount of the loan, or disbursement in more than one advance, but not to exceed four advances. Loans may be disbursed in more than one advance only if the circumstances in an individual case necessitate such action to protect properly the interest of the Government and the borrower, and the future payment will be scheduled for disbursement within 12 months from the date of the first advance.

(c) *Countersignature bank accounts.* In the discretion of the Committee, it may be required in individual cases that loan funds be placed in a bank account in the borrower's name and disbursed subject to the countersignature of the County Supervisor in accordance with a budget prepared by the borrower and the County Supervisor. In such instance, the Committee will indicate on Form FHA–910A such requirement as a loan approval condition.

(d) *Form FHA–203, "Promissory Note."* Form FHA–203 will be used for

Special Livestock loans. The words "Special Livestock Loan" will be typed under the title. The rate of interest appearing in the body of the note will be changed from "three percent (3%)" to "five percent (5%)" The amount of each advance and each scheduled repayment will be in multiples of $5. Form FHA–203 will be dated as of the date of execution by the applicant and the original only will be signed. The applicant's spouse need not execute Form FHA–203 unless the State Director, with the advice of the representative of the Office of the Solicitor, determines on a State basis that the spouse's signature is necessary legally, or the Committee determines, because of the spouse's interest in the farm to be operated or in other property owned, that the signature of the spouse is necessary for the protection of the Government's interest.

(1) When the applicant operates as a partnership, Form FHA–203 will be executed by each member as a partner and also as an individual.

(2) When the applicant is a corporation, Form FHA–203 will be executed by the appropriate officials of the corporation and, in order to evidence their personal obligation for the debt, by each person holding as much as 10 percent of the stock in the corporation.

(e) *Form FHA–916, (Agreement—Special Livestock Loans)* This form will be used when it is necessary to obtain agreements from other creditors as provided in § 384.8. When only a nondisturbance agreement is required, the last paragraph will be deleted.

(f) *Form FHA–5, "Loan Authorization."* Form FHA–5 will be prepared for the total amount of each advance for which Form FHA–203 is executed. Deletions and insertions will be made in the certification immediately above the space for the payee-applicant's signature so that it will read as follows: "I hereby certify that I am unable to obtain credit sufficient in amount to finance my actual needs. I hereby further certify that no part of the above amount has been received and I request payment thereof." The applicant will execute the original of Form FHA–5 in the space provided for his signature.

(g) *Form FHA–87 "Report of Lien Search."* Form FHA–87 will be prepared and will be retained in the borrower's County Office case folder. Applicants are required to obtain and pay the cost of lien searches. Applicants should select the source through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(h) *Security instruments.* (1) When chattels are to be taken as security for a loan, the applicant will execute Form FHA–30.— "Crop and Chattel Mortgage."

(2) When real estate is to be taken as security for a loan, the applicant will execute Form FHA–76.— "Real Estate Mortgage."

(i) *Review and approval or rejection.* (1) Special Livestock loans will be approved by a majority of the Committee in Committee meetings. The Committee will indicate its approval by signing the original and the copy of Form FHA–910A and will set forth thereon the approved amount of the loan and any special conditions of approval. If real estate security is required, the necessary title evidence will be submitted to the State Director.

(2) If a loan is rejected, "disapproved" will be inserted in the space provided for special conditions, along with any comments the Committee wishes to make. The original of Form FHA–910A, together with the original of Form FHA–203, any executed security instruments, and any evidence of title, will be returned to the applicant by the County Supervisor, after a loan has been finally rejected.

§ 384.23 *Loan closing.* County Supervisors are responsible for closing Special Livestock loans subject to the loan closing requirements specified herein and any conditions set forth by the Committee.

(a) *Check delivery.* Only properly bonded employees of the Farmers Home Administration may receive and deliver loan checks. Upon receipt of a loan check the County Supervisor will notify the applicant promptly, indicating where and when he may expect delivery of the check, or, when appropriate, will mail the check to him.

(b) *Lien search reports.* Before a loan check is delivered, or if such check is deposited in a countersignature bank account, before any of the funds are withdrawn, there must be in the County Office case folder a report of lien search on Form FHA–87, showing any recorded liens as of that date against personal property offered as security.

(c) *Security documents.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or to preserve security for loans, including mortgages and similar lien instruments, affidavits, acknowledgments, and other certifications.

(d) *Obtaining security.* (1) In cases in which no capital goods are to be purchased, the lien instrument may be taken at the time the note and loan authorization are executed or at the time the loan check is delivered.

(2) In cases in which capital goods are to be purchased and covered by a lien, the applicant will be encouraged to arrange for the purchase of all such items by the time the initial mortgage is taken in order to eliminate the taking of additional mortgages. The taking of security in these cases at the time of the delivery of the loan check will be governed by the following requirements:

(i) If all of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the date of the first withdrawal of any of the loan funds from such account.

(ii) If only a part or none of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the time of the delivery of the loan check to the applicant.

(iii) If a part of the property which is to serve as security for the loan is yet to be purchased at the time the initial mortgage is taken, under the requirements of paragraph (a) or (b) of this section, a first lien will be taken on such property at the time it is purchased.

(e) *Fees.* Statutory fees for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions, in all cases, will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA–385, "Acknowledgement of Payment for Recording and Lien Search Fees," will be executed and given to the borrower. Farmers Home Administration personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as a credit of the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

AUGUST 5, 1953.

Approved: August 14, 1953.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53–7322; Filed, Aug. 19, 1953; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6005]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

B-VIMM CO.

Subpart—*Advertising falsely or misleadingly:* §3.30 *Composition of goods;* §3.135 *Nature*—Product or service; § 3.170 *Qualities or properties of product or service.* In connection with the sale or distribution of respondents' preparation designated "B-Vimm", or any other product of substantially similar composition, design, or construction or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce of said preparation, which advertisements represent, directly or by implication: (a) That B-Vimm constitutes an adequate vitamin, liver, or mineral dietary supplement; (b) that respondents' preparation contains all the essential vitamins and minerals, or that it has any value in treating any vitamin or mineral deficiency or conditions resulting therefrom, other than Vitamin B_1 or iron deficiencies; (c) that said preparation will give fast relief from any physical disorders or symptoms; (d) that said

preparation has any value in causing any organ to remove, or assisting any organ in removing, poisons from the blood; (e) that said preparation has any value in relieving muscular pain or stiff joints, or in the treatment of high blood pressure, low blood pressure, heart trouble, kidney trouble, arthritis, rheumatism, coughs, colds, "liver anemia" or pernicious anemia; and (f) that said preparation possesses any value in the treatment of tired, weak or run-down conditions, loss of pep or energy, lack of vitality, irritability, nervousness, sleeplessness, lack of appetite, underweight, constipation, indigestion, heartburn, deficiency of red blood, or any other symptoms or conditions resulting from vitamin or mineral deficiency, unless such representation be expressly limited to cases where such symptoms or conditions are due to Vitamin B_1 or iron deficiencies; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Thomas D. McBryde et al. t. a. The B-Vimm Company, Selma, Ala., Docket 6005, July 19, 1953]

In the Matter of Thomas D. McBryde, Joe T Pilcher and Perry Elliott, Copartners Trading in the Name of the B-Vimm Company

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, respondents' answer, and a stipulation entered into between respondents and the attorney in support of the complaint, wherein it was agreed that the stipulation as to the facts therein set forth should constitute the entire facts in this proceeding and serve as the basis for findings of fact and an ensuing order, subject to the limitation that said order would not exceed the scope and limitations prescribed by the United States Court of Appeals for the District of Columbia in Alberty et al. v. Federal Trade Commission, 182 F. 2d 36.

Thereafter, the proceeding regularly came on for final consideration by said examiner, heretofore duly designated by the Commission, on the complaint, the answer, and said stipulation, which had been approved by said examiner as affording the basis for an appropriate disposition of the proceeding and made a part of the record, and said examiner, after duly considering the record in the matter and finding that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order including order to cease and desist and order of dismissal with respect to other issues raised by the complaint.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 19, 1953.

Said order to cease and desist is as follows:

It is ordered, That the respondents Thomas D. McBryde, Joe T. Pilcher and Perry Elliott, individually and as copartners trading under the name of The B-Vimm Company, or under any other name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale or distribution of their preparation designated B-Vimm, or any other preparation containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That B-Vimm constitutes an adequate vitamin, liver, or mineral dietary supplement;

(b) That respondents' preparation contains all the essential vitamins and minerals, or that it has any value in treating any vitamin or mineral deficiency or conditions resulting therefrom, other than Vitamin B1 or iron deficiencies;

(c) That said preparation will give fast relief from any physical disorders or symptoms;

(d) That said preparation has any value in causing any organ to remove, or assisting any organ in removing, poisons from the blood;

(e) That said preparation has any value in relieving muscular pain or stiff joints, or in the treatment of high blood pressure, low blood pressure, heart trouble, kidney trouble, arthritis, rheumatism, coughs, colds, "liver anemia" or pernicious anemia;

(f) That said preparation possesses any value in the treatment of tired, weak or run-down conditions, loss of pep or energy, lack of vitality, irritability, nervousness, sleeplessness, lack of appetite, underweight, constipation, indigestion, heartburn, deficiency of red blood, or any other symptoms or conditions resulting from vitamin or mineral deficiency, unless such representation be expressly limited to cases where such symptoms or conditions are due to Vitamin B1 or iron deficiencies;

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 above.

It is further ordered, That with respect to the issues raised by the complaint other than those to which this order relates, the complaint be, and the same hereby is, dismissed.

By "Decision of the Commission and Order to File Report of Compliance" Docket 6005, July 17, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 17, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-7355; Filed, Aug. 19, 1953; 8:55 a. m.]

[Docket No. 6022]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RUGS OF THE BLIND, INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1680 *Manufacture or preparation.* Subpart—*Using misleading name*—Vendor: § 3.2450 *Products.* In connection with the offering for sale, sale and distribution of rugs in commerce, (1) representing as having been made by blind persons any rug which has not in fact been so made; and (2) using the corporate name "Rugs of the Blind, Inc." or any other corporate or trade name containing the word "Blind" in connection with any rug not made by blind persons; prohibited, subject to the provision, however, that in the case of a rug which, although not made by blind persons, has fringes which were knotted by such persons, such corporate or trade name may be used if there appears on the sample of such rug displayed to the public a clear and conspicuous statement as to the origin of such rug, as, for example, "Machine-made Rug—Fringes Knotted by Blind Workers"

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Rugs of the Blind, Inc., et al., Easton, Pa., Docket 6022, July 20, 1953]

In the Matter of Rugs of the Blind, Inc., a Corporation, and Moses J. Miller Bernard M. Goodman and Frances Testa, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence in support of, and in opposition to the allegations of the complaint, were introduced before said examiner, theretofore duly designated by the Commission, and were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer, tes-

[1] Filed as part of the original document.

timony, and other evidence, proposed findings and conclusions submitted by counsel, and oral argument thereon, and said examiner having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order including order to cease and desist and order of dismissal as to certain respondents in their individual capacities.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 26, 1953.

Said order to cease and desist is as follows:

It is ordered, That respondent Rugs of the Blind, Inc., a corporation, and its officers, and respondent Moses J. Miller, individually and as an officer of said corporation, and respondents Bernard M. Goodman and Frances Testa, as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of rugs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing as having been made by blind persons any rug which has not in fact been so made.

2. Using the corporate name "Rugs of the Blind, Inc.," or any other corporate or trade name containing the word "Blind," in connection with any rug not made by blind persons: *Provided, however* That in the case of a rug which, although not made by blind persons, has fringes which were knotted by such persons, such corporate or trade name may be used if there appears on the sample of such rug displayed to the public a clear and conspicuous statement as to the origin of such rug; as, for example, "Machine-Made Rug—Fringes Knotted by Blind Workers."

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Bernard M. Goodman and Frances Testa in their individual capacities.

By "Decision of the Commission and Order to File Report of Compliance" Docket 6022, July 24, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 24, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc 53-7353; Filed, Aug. 19, 1953; 8:54 a. m.]

[Docket No. 6072]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INFRA INSULATION, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.25 *Competitors and their products*—Competitors' products; § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts;* § 3.265 *Tests and investigations.* Subpart—*Disparaging competitors and their products*—Competitors' products; § 3.1010 *Qualities or properties;* § 3.1020 *Results;* § 3.1025 *Safety;* § 3.1035 *Tests.* In connection with the offering for sale, sale and distribution of respondents' insulating material known as "Infra Insulation" or of any other insulating material of substantially the same properties, in commerce, representing, directly or by implication, (1) that the relative insulating effects of respondents' reflective insulation as compared with mass insulation, are indicated solely by the magnitudes of the surface radiation coefficients of the respective materials; (2) that the conductance values of their insulation are lower than they are in fact; (3) that the conductivity values of mass insulation are higher than they are in fact; (4) that the magnitude of variations of the thermal conductivity values of mass insulation due to thickness orientation, internal convection, temperature differences, or to any other reason, are greater than they are in fact; (5) that condensation of water vapors on or in their insulation is not possible or that mass insulation, when properly installed, is ordinarily subject to condensation to the extent that a significant amount of moisture will accumulate; (6) that significantly more ventilation is required in all installation of mass insulation than in installations in which respondents' product is employed; (7) that dust streaks on plaster are ordinarily due to dampness present in mass insulation, when such insulation is properly installed; (8) that the heat flow test involving radiant heat lamps is in general a proper method of comparing the relative insulating values of different types of house insulation; and, (9) that mineral wool insulation creates a health hazard either during the installation thereof or when in place after installation; and, (10) making any false or disparaging statement with respect to the insulating products of any competitor; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Infra Insulation, Inc., et al., New York, N. Y., Docket 6072, July 29, 1953]

In the Matter of Infra Insulation Inc., a Corporation, and Alexander Schwartz and Joseph R. Schwartz, Invididually and as Officers of Said Corporation

This proceeding was instituted by complaint which charged respondents with unfair and deceptive acts and practices in commerce, and unfair methods of competition therein, within the intent and meaning of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated August 3, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on July 29, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That the respondent Infra Insulation, Inc., a corporation, and its officers and the respondents Alexander Schwartz and Joseph R. Schwartz, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their insulating material known as Infra Insulation, or of any other insulating material of substantially the same properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the relative insulating effects of respondents' reflective insulation as compared with mass insulation, are indicated solely by the magnitudes of the surface radiation coefficients of the respective materials.

2. Representing, directly or by implication, that the conductance values of their insulation are lower than they are in fact.

3. Representing, directly or by implication, that the conductivity values of mass insulation are higher than they are in fact.

4. Representing, directly or by implication, that the magnitude of variations of the thermal conductivity values of mass insulation due to thickness orientation, internal convection, temperature differences, or to any other reason, are greater than they are in fact.

5. Representing, directly or by implication, that condensation of water vapors on or in their insulation is not possible or that mass insulation, when properly installed, is ordinarily subject to condensation to the extent that a significant amount of moisture will accumulate.

6. Representing, directly or by implication, that significantly more ventilation is required in all installation of

[1] Filed as part of the original document.

mass insulation than in installations in which respondents' product is employed.

7. Representing, directly or by implication, that dust streaks on plaster are ordinarily due to dampness present in mass insulation, when such insulation is properly installed.

8. Representing, directly or by implication, that the heat flow test involving radiant heat lamps is in general a proper method of comparing the relative insulating values of different types of house insulation.

9. Representing, directly or by implication, that mineral wool insulation creates a health hazard either during the installation thereof or when in place after installation.

10. Making any false or disparaging statement with respect to the insulating products of any competitor.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 3, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-7356; Filed, Aug. 19, 1953; 8:55 a. m.]

[Docket No. 6081]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

H. M. PRINCE TEXTILES, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition, Wool Products Labeling Act;* § 3.1325 *Source or origin*—Maker or seller—Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition*—Wool Products Labeling Act; § 3.1900 *Source or origin*—Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, of blankets or other wool products as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool" "reprocessed wool" or "reused wool" as those terms are defined in said act, misbranding said products by: (1) Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein; (2) failing to securely affix to or place on each product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentages of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act, or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, H. M. Prince Textiles, Inc., et al., New York, N. Y., Docket 6081, July 29, 1953]

In the Matter of H. M. Prince Textiles, Inc., a Corporation; Devonshire Fabrics, Inc., a Corporation; Deena Woolen Mills, Inc., a Corporation; and Hugo M. Prince, Individually, and as an Officer of H. M. Prince Textiles, Inc. and of Devonshire Fabrics, Inc., Nathan Tarmy, Morris Tarmy, and Solomon Tarmy, Individually, and as Officers of Deena Woolen Mills, Inc.

This proceeding was instituted by complaint which charged respondents with use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

It was disposed of, as announced by the Commission's "Notice", dated August 6, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on July 29, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That the corporate respondents, H. M. Prince Textiles, Inc., and Devonshire Fabrics, Inc. and their officers, and Hugo M. Prince, Nathan Tarmy, Morris Tarmy and Solomon Tarmy, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of blankets or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool" "reprocessed wool" or "reused wool" as those terms are defined in said act, do forthwith cease and desist from misbranding said products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentages of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further* That nothing contained in this order shall be construed as limiting any applicable provisions of said act, or the rules and regulations promulgated thereunder.

It is further ordered, That the complaint herein, insofar as it relates to the corporate respondent Deena Woolen Mills, Inc., be, and the same is, hereby dismissed.

It is further ordered, That the respondents herein, except the corporate respondent Deena Woolen Mills, Inc., shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 6, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-7357; Filed, Aug. 19, 1953; 8:56 a. m.]

[1] Filed as part of the original document.

[Docket No. 6084]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CONNOLLY SHOE CO.

Subpart—*Advertising falsely or misleadingly:* §3.120 *Manufacture or preparation,* § 3.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* § 3.1255 *Manufacture or preparation;* § 3.1290 *Qualities or properties.* In connection with the offering for sale, sale or distribution of respondent's shoes designated "Connolly Corrective Arch Shoes" and "Connolly Shoes—Amplifit Last" or any other shoes of similar construction or performing similar functions irrespective of the designation applied thereto, in commerce: (1) Using the words "Orthopedic" "Orthopedic Features" "Orthopedic Heel" or "Corrective Arch", or any other word or words importing a like or similar meaning, alone or in combination with any other word or words to describe or designate said shoes; or using any other word or words in any manner to represent, directly or by implication, that the use of respondent's shoes will prevent or correct deformaties, diseases, or disorders of the feet, or will keep the feet healthy; and, (2) representing, directly or by implication, with respect to "Connolly Corrective Arch Shoes", (a) that the wearing of said shoes will restore foot health or keep the feet healthy, or will keep the ankles straight, will correct or prevent sore and tired feet, or will prevent or give relief to aches and pains that shoot up the back of the leg; (b) that the wearing of said shoes will keep healthy feet in good condition; (c) that the metatarsal pad in said shoes can be changed to individual requirements and insure comfort and helpfulness; (d) that the steel shank in said shoes will fully or properly support the arch, or permit complete flexibility of the muscles and freedom of action for the bones of the feet; (e) that the wearing of said shoes will promote foot ease or correct abnormal conditions of the feet; (f) that the wearing of said shoes will take away the strains and jars of walking or the agony of tired, aching feet; and, (g) that the use of respondent's shoes designated "Connolly Shoes—Amplifit Last" is conducive to comfort or will give balanced support, or will help prevent pronation; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46 Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Connolly Shoe Company, Stillwater, Minn., Docket 6084, July 28, 1953]

This proceeding was heard by Everett F Haycraft, hearing examiner, upon the complaint of the Commission, and respondent's answer, in which it admitted all the material allegations of facts set forth in said complaint and reserved the right to submit proposed findings and conclusions of fact or of law under Rule XXI, and the right to appeal under Rule XXIII.

Thereafter, the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and answer, proposed findings and conclusions submitted by counsel in support of the complaint, no proposed findings having been filed by respondent which was given an opportunity to do so, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 28, 1953.

Said order to cease and desist is as follows:

It is ordered, That the respondent, Connolly Shoe Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's shoes designated "Connolly Corrective Arch Shoes" and "Connolly Shoes-Amplifit Last," or any other shoes of similar construction or performing similar functions irrespective of the designation applied thereto, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist:

(1) From using the words "Orthopedic," "Orthopedic Features," "Orthopedic Heel," or "Corrective Arch," or any other word or words importing a like or similar meaning, alone or in combination with any other word or words to describe or designate said shoes; or using any other word or words in any manner to represent, directly or by implication, that the use of respondent's shoes will prevent or correct deformities, diseases, or disorders of the feet, or will keep the feet healthy.

(2) From representing, directly or by implication, with respect to "Connolly Corrective Arch Shoes".

(a) That the wearing of said shoes will restore foot health or keep the feet healthy, or will keep the ankles straight, will correct or prevent sore and tired feet, or will prevent or give relief to aches and pains that shoot up the back of the leg;

(b) That the wearing of said shoes will keep healthy feet in good condition;

(c) That the metatarsal pad in said shoes can be changed to individual requirements and insure comfort and helpfulness;

(d) That the steel shank in said shoes will fully or properly support the arch, or permit complete flexibility of the muscles and freedom of action for the bones of the feet;

(e) That the wearing of said shoes will promote foot ease or correct abnormal conditions of the feet;

(f) That the wearing of said shoes will take away the strain and jars of walking or the agony of tired, aching feet;

(g) That the use of respondent's shoes designated "Connolly Shoes—Amplifit Last" is conducive to comfort or will give balanced support, or will help prevent pronation.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6084, July 28, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 28, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-7364; Filed, Aug. 19, 1953; 8:54 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F R. 352) are amended as set forth below.

1. In § 146.301 *Chloramphenicol* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the figure "36" to read "48"

2. In § 146.302 *Chloramphenicol capsules* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the figure "36" to read "48"

3. In § 146.303 *Chloramphenicol ointment (chloramphenicol cream)* subparagraph (1) (iv) of paragraph (c) *Labeling* is amended to read:

(iv) The statement "Expiration date ---------," the blank being filled in with the date which is 24 months after the month during which the batch was certified, except if the ointment base is water miscible the blank shall be filled in with the date which is 12 months after the month during which the batch was certified.

4. In § 146.304 *Chloramphenicol ophthalmic* subparagraph (1) (iii) of para-

graph (c) *Labeling* is amended by changing the figure "12" to read "24"

5. In § 146.306 *Chloramphenicol palmitate oral suspension* subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the figure "18" to read "24"

This order, which provides for changes in the expiration dates of chloramphenicol and chloramphenicol capsules from 36 to 48 months; changes in the expiration dates of chloramphenicol ointment and chloramphenicol ophthalmic from 12 to 24 months; and a change in the expiration date of chloramphenicol palmitate oral suspension from 18 to 24 months, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: August 14, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-7338; Filed, Aug. 19, 1953; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

SAGINAW RIVER, MICH., BRIDGES; SKAMOKAWA CREEK, WASH., WASHINGTON STATE HIGHWAY BRIDGE AT SKAMOKAWA

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.700 is hereby amended to provide special regulations for the highway bridges across the Saginaw River within the limits of the City of Bay City, Michigan, as follows:

§ 203.700 *Saginaw River Mich., bridges.* (a) The owners of or agencies controlling drawbridges across Saginaw River shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) Except as otherwise provided in paragraphs (i) and (j) of this section, the draw of each bridge, upon receiving the prescribed call signal shall be opened (1) promptly for the passage of any vessel or other watercraft of 20 tons and upward not able to pass under the closed bridge: *Provided,* That the opening of the draw of a railroad bridge may be delayed not to exceed five minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time the signal is given, and (2) as soon as practicable for the passage of any vessel or other watercraft of less than 20 tons: *Provided,* That no such vessel shall be delayed for a longer period than 15 minutes.

(c) Sound signals: To be used if weather conditions are such that sound signals can be heard:

(1) *Call signal for opening of draw.* One long blast, two short blasts, and one long blast of a whistle, horn, or siren, repeated at intervals until the acknowledging signal is received from the bridge: *Provided,* That when a vessel is about to leave a point between two drawbridges and within sight or hearing of both to pass through the draw upstream, the call signal shall be followed after a brief interval by an additional short blast.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* Same as call signal.

(ii) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* Four or more short and rapid blasts of a whistle, horn, or siren, or four or more sharp and rapid strokes of a bell, repeated at intervals until acknowledged by the vessel. The vessel shall acknowledge by one long blast followed by one short blast.

NOTE: As used in this section, the term "long blast" means a distinct blast of a whistle, horn, or siren of three seconds' duration, and the term "short blast" means a distinct blast of a whistle, horn, or siren of one second's duration.

(d) Visual signals: To be used in conjunction with sound signals if weather conditions are such that sound signals may not be heard or at other times if desired:

(1) *Call signal for opening of draw.* A white flag by day or a white light at night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *When the draw can be opened immediately.* A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

(ii) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* A red flag by day or a red light at night, swung to and fro horizontally in full sight of the vessel; or, in lieu thereof, if considered advisable by the owner of or agency controlling any bridge, two red lights mounted 30 inches between centers, horizontally, in an elevated position above the bridge and showing both upstream and downstream, may be flashed alternately. These signals shall be repeated until acknowledged by the vessel. The vessel shall acknowledge with a red flag by day or a red light at night, swung to and fro horizontally.

(e) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(f) The bridges shall not be required to open for pleasure craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Upon request, the District Engineer Corps of Engineers, Detroit, Michigan, will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(g) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this section pertaining to the particular bridge.

(h) The general regulations contained in paragraphs (a) to (g) inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (i) and (j) of this section. The special regulations in pargaraph (j) of this section shall not apply to vessels operated by the United States and municipal vessels. All such vessels shall be passed through the draws of these bridges during any closed period.

(i) Special regulations for bridges at Saginaw: (1) The owners of or agencies controlling drawbridges at Saginaw need not keep draw tenders in constant attendance.

(2) For openings of the draws of the city of Saginaw highway bridge at Sixth Avenue and bridges upstream therefrom below the Court Street fixed bridge, from November 16 to March 31, inclusive, and between 11:00 p. m. and 7:00 a. m. from April 1 to November 15, inclusive, at least three hours' advance notice is required.

(3) For openings of the draws of bridges upstream from the Court Street fixed bridge, at least 24 hours' advance notice is required.

(4) Advance notice as required by this paragraph shall be given to the Bridge Operations Officer, Police Department, City of Saginaw, whose telephone number is 8191. Charges for long-distance telephone calls directed to that officer may be reversed. In the case of bridges which are not owned or controlled by the City of Saginaw, the Bridge Operations Officer shall be responsible for relaying the necessary information to the owners or agencies concerned. Advance notice shall include the name of the vessel, its location at the time notice is given, if inbound the exact destination and expected time of arrival, and if outbound the point and time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

(j) Special regulations for highway bridges at Bay City: The draws of Belinda Street, Third Street, Lafayette Street, and Cass Avenue bridges shall not be required to be opened for the passage of any vessel under 50 gross tons between 6:30 and 8:30 a. m. and between 3:30 and 5:30 p. m., except on Sundays.

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.758 establishing regulations for the operation of the Washington

State Highway Commission bridge across Skamokawa Creek is hereby prescribed as follows:

§ 203.758 *Skamokawa Creek, Wash., Washington State Highway bridge at Skamokawa.* (a) The owner of or agency controlling the drawbridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

NOTE: The authorized representative in charge of the operation of the bridge is Mr. A. E. Oakes, Cathlamet, Washington, Telephone, Cathlamet 105-J-2.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative stated in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., July 28, 1953, ENGWO] (28 Stat. 362; 33 U. S. C. 499)

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-7306; Filed, Aug. 19, 1953; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 194—POTASSIUM PERMITS AND LEASES

OVERRIDING ROYALTIES

Section 194.27a is added to read as follows:

§ 194.27a *Overriding royalties.* (a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however* That if the total of the overriding royalty interests at any time exceeds one percent of the gross value of the output at the point of shipment to market, they shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so (1) in order to prevent premature abandonment, or (2) in order to make possible the economic mining of marginal or low grade deposits on the leased lands or any part thereof. Where there is more than one overriding royalty interest any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or in the absence of such agreement in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest shall not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

RALPH A. TUDOR,
Acting Secretary of the Interior

AUGUST 13, 1953.

[F. R. Doc. 53-7323; Filed, Aug. 19, 1953; 8:47 a. m.]

TITLE 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

[Docket No. 10409]

PART 1—PRACTICE AND PROCEDURE

FILING OF CONTRACTS, BROADCAST LICENSES AND PERMITTEES

In the matter of amendment of § 1.342 of the Commission's rules; Docket No. 10409.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 53-178) of February 19, 1953, and its notice of further proposed rule making (FCC 53-711) of June 11, 1953, issued in the above-entitled proceeding.

2. On February 19, 1953, the Commission issued a notice of proposed rule making proposing to amend § 1.342 of the Commission's rules which relates to the filing of documents, instruments and contracts with the Commission by broadcast licensees and permittees. On the basis of the various comments directed to this notice, on June 11, 1953, the Commission issued a notice of further proposed rule making revising its proposed amendment.

3. Comments directed to the amendment as now proposed have been filed by Allen B. DuMont Laboratories, Inc., and Storer Broadcasting Company. Both comments are directed only to § 1.342 (b) (4) of the proposed rule relating to proxies, and which requires the filing of the following: "Proxies with respect to the licensee's or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given without full and detailed instructions binding the recipient to act in a specified manner. With respect to the latter proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted."

4. Allen B. DuMont Laboratories, Inc., objects to the provision in § 1.342 (b) (4) of the proposed rule requiring the filing of data concerning unrestricted proxies. DuMont states that many of the large corporations that are broadcast licensees employ such proxies, and that the stock of many of these corporations is listed on exchanges and is widely held. DuMont, for example, has 14,000 holders of its Class A stock. DuMont asserts that in connection with most such large corporations, the customary procedure is merely to determine from the proxies the number of votes entitled to be cast by those persons or groups holding proxies, and that no tabulation nor determination of the percentage of the outstanding stock owned by each stockholder who has given a proxy is made. Accordingly, DuMont asserts that the data required to be submitted by the proposed rule would be prepared only for this specific purpose. It is contended that the listing of several thousand names would be an onerous task. DuMont urges that the sole reason for requesting that such proxy information be filed is to enable the Commission to determine who exercises control of the licensee or permittee by means of proxies. DuMont asserts in this connection, that § 1.343 of the Commission's rules, in recognizing the impracticability of certain provisions of the rules when applied to large corporations, has expressly provided that information otherwise required to be filed need be filed by corporations having more than 50 stockholders only with respect to those stockholders owning one percent or more of the stock, or who are officers or directors. DuMont urges that such a proviso should be added to the unrestricted proxy requirement. DuMont submits that the Commission's purpose would be satisfied by the reporting of the names and addresses of persons voting by proxy one percent or more of the corporation's outstanding stock, the percentage of the outstanding stock voted by each such person; and the number of shares owned by such persons. Information as to the names and percentage of stock held by the persons giving proxies, DuMont contends, would serve no useful purpose. Accordingly, DuMont would add the following proviso to the requirement in the proposed rule with respect to unrestricted proxies: "* * * *Provided, however,* That when the permittee or licensee is a corporation having more than 50 stockholders such information need be filed only with respect to stockholders who are officers or directors of the corporation or who have or who voted, by proxy or otherwise, one percent or more of the stock of the corporation."

5. In our view, DuMont's comments with respect to the provisions of the proposed rule relating to unrestricted proxies as applied to large corporations are well taken. Accordingly, the rule we are now adopting provides that in con-

nection with corporations with more than 50 stockholders, complete data with respect to unrestricted proxies need be filed only with relation to proxies given by those stockholders who are officers or directors of the corporation or who have one percent or more of the stock of the corporation. The only information required to be filed by such large corporations with respect to unrestricted proxies, where the stockholders giving the proxies are neither officers or directors nor hold one percent or more of the stock, is the name of any person voting one percent or more of the stock by proxy, the number of shares voted by such person by proxy, and the total number of shares voted at the particular meeting in which the aforesaid shares were voted by proxy.

6. In its comment, Storer Broadcasting Company contends that the proposed requirement with respect to proxies contained in § 1.342 (b) (4) would constitute an undue burden on broadcast licensees and permittees, and that the data required to be filed pursuant to the rule is unnecessary to the proper performance of the Commission's function. Storer urges that the Commission has failed to consider the nature of proxies, i. e., that proxies are merely instruments "which make the grantee the agent of the grantor for the purpose of voting the stock involved." Storer contends that if the votes cast by proxy result in any corporate action in which the Commission has a legitimate interest, the licensee or permittee is required to file the documents indicating such action and that it is not necessary for the Commission to know who acts as agent in casting certain votes. Storer urges that the proposed requirement with respect to proxies be deleted.

7. The Commission believes that the requirements relating to the filing of proxy information specified by the rule we are now adopting are both necessary and reasonable. Such information must be considered by the Commission in discharging its obligation to determine the parties controlling licensees and permittees pursuant to section 310 (b) of the Communications Act. See Press-Union Publishing Company, 7 Pike & Fischer, R. R. 83, and In re Application of Frank Falknor, 10 FCC 401. The mere fact that corporate action resulting from the votes cast by proxy may be reported to the Commission does not dispense with the necessity for the filing of information concerning the proxies themselves. Nor does the fact that proxies may be revoked at some future date make the filing of such information unnecesary for prior to such revocation, there may have been an actual transfer of control by means of proxies. The pertinent factor in this regard is who is exercising control of the corporation by voting the stock, and this can only be determined from the information on proxies as required by the rule. Furthermore, we do not believe the provisions in the rule will impose an undue burden on licensees and permittees, especially in light of the changes we are now effecting with respect to proxies for stock of corporations with more than 50 stockholders.

8. Authority for the adoption of the amendment herein is contained in sections 4 (i) 301 (i) (j) (n) and (r) 309 (d) 310 and 312 of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That, effective 30 days after publication in the FEDERAL REGISTER, § 1.342 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 309, 310, 312, 48 Stat. 1031, 1035, 1086; 47 U. S. C. 301, 309, 310, 312)

Adopted: August 12, 1953.

Released: August 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

Section 1.342 of the Commission's rules and regulations is amended by deleting the present text and substituting the following:

§ 1.342 *Filing of contracts, broadcast licensees and permittees.* Each licensee or permittee of a standard, FM, television, or international broadcast station shall file with the Commission within 30 days of execution thereof copies of the following contracts, instruments and documents, together with amendments, supplements and cancellations. The term "contract" as used in this section includes any contract, express or implied, oral or written. The substance of oral contracts shall be reported in writing:

(a) Contracts relating to network service. This provision does not require the filing of transcription agreements or contracts for the supplying of film for television stations which do not specify option time, contracts granting the right to broadcast music such as ASCAP, BMI, or SESAC agreements. Transcription agreements or contracts for the supplying of film for television stations which do specify option time must be filed.

(b) Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee, or of the licensee's or permittee's stock, rights or interests therein, or relating to changes in such ownership or control. All contracts, instruments and documents exempted from the requirements of § 1.343 are similarly exempted in this section. The term "stock" includes any interest in legal or beneficial, right or privilege in connection with stock. The terms "officers" and "directors" include the comparable officials of unincorporated associations. This provision is limited to the following:

(1) Articles of partnership, association and incorporation and changes in such instruments.

(2) Bylaws and any instruments affecting changes in such bylaws.

(3) Any agreement, document or instrument affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or non-voting stock) such as (i) agreements for transfer of stock, (ii) instruments for the issuance of new stock, (iii) or agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Options to purchase stock, pledges, trusts agreements, and other executory agreements are required to be filed.

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given without full and detailed instructions binding the recipient to act in a specified manner. With respect to the latter proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted: *Provided, however* That when the permittee or licensee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors or who have one percent or more of the corporation's stock. In cases where the permittee or licensee is a corporation having more than 50 stockholders and the stockholders giving the proxies are neither officers or directors nor hold one percent or more of the corporation's stock, the only information required to be filed is the name of any person voting one percent or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the aforesaid shares were voted by proxy.

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those specifying or limiting the amount of dividends payable, the purchase of new equipment, the maintenance of current assets, etc.

(6) Any agreement reflecting a change in the officers, directors, or stockholders of a corporation other than the licensee or permittee having an interest, direct or indirect, in the licensee or permittee as specified by § 1.343.

(c) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(d) Contracts relating to functional music operations such as "storecasting" "transitcasting" "background music" and similar services. This provision does not require the filing of contracts granting functional music licensees or permittees the right to broadcast copyright music.

(e) Time sales contracts with the same sponsor for 4 or more hours per day, unless the length of the events broadcast pursuant to the contract is not under control of the station, such as athletic contests, musical programs and special events.

(f) Contracts relating to the utilization in a management capacity of any

person other than an officer, director, or regular employee of the licensee or permittee station, and management contracts with any persons, whether or not officers, directors, or regular employees which provide for both a percentage of profits and a sharing in losses. With the above exceptions, this provision does not require the filing of agreements with persons regularly employed as general or station managers or salesmen, contracts with program managers or program personnel, contracts with Chief Engineers or other engineering personnel, contracts with consulting radio engineers, attorneys, or accountants, contracts with performers, contracts with station representatives, contracts with labor unions, or any similar agreements. It does require the filing of management consultant agreements with independent contractors.

[F. R. Doc. 53-7341; Filed, Aug. 19, 1953; 8:51 a. m.]

[Docket No. 10530]

PART 1—PRACTICE AND PROCEDURE

PART 43—REPORTS OF COMMUNICATIONS COMMON CARRIERS AND THEIR AFFILIATES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 43, Reports of Communication Common Carriers and Their Affiliates, of the Commission's rules and regulations and related amendment of Part 1, Practice and Procedure; Docket No. 10530.

On May 27, 1953, the Commission adopted a notice of proposed rule making in which it was proposed to amend Part 43 (Reports of Communication Common Carriers and Their Affiliates) and the related references thereto in Part 1, Practice and Procedure, of its rules and regulations. That notice was published in the FEDERAL REGISTER on June 6, 1953 (18 F R. 3261) in accordance with section 4. (a) of the Administrative Procedure Act. Interested persons were given until July 1, 1953, to file comments thereon.

On or before July 1, 1953, comments were received from the American Telephone and Telegraph Company (on behalf of the Bell System telephone companies) RCA Communications, Inc., and United States Independent Telephone Association. In general, the comments received were favorable. Some of the comments of the American Telephone and Telegraph Company were of a clarifying nature. These, and a few other non-substantive and clarifying changes, have been adopted by the Commission, as set forth below. No comments in reply to the original comments were received within the time provided, which expired on July 15, 1953.

One proposal by the American Telephone and Telegraph Company and the comments filed by RCA Communications, Inc., were substantive in nature and will be discussed in detail in the following paragraphs.

American Telephone and Telegraph Company has suggested the deletion of the provision in § 43.42 (b) requiring that the Commission be notified with respect to certain changes relating to pensions at least thirty days prior to the end of the month in which the effect of the changes will be first reflected in the accounts. The Commission is of the opinion that it should have notice of such changes with respect to pensions prior to the effect thereof being recorded in the accounts in order to appropriately carry out its regulatory functions. It does not believe that any delay in accounting that may occasionally result therefrom will cause undue hardship to any carrier. In exceptional cases, the revised rule provides that the Commission, either upon its own motion or at the instance of a carrier, modify the 30-day notice requirement. Accordingly, this suggestion is not adopted. However, the suggested clarifying changes with respect to this section of the rules have been adopted.

RCA Communications, Inc., has suggested that § 43.51 (a) (1) relating to the filing of contracts, agreements, concessions, licenses, authorizations, or other arrangements with respect to communication traffic, should not be revised as proposed and that the language used in the presently effective rules with respect to this paragraph should be retained. The proposed rule-making with respect to this paragraph reads as follows:

(1) The interchange of services between such carrier and any other common carrier, whether or not the latter is subject to the Communications Act;

The presently effective rules with respect to this paragraph read as follows:

(1) The exchange of services between such carrier and any carrier not subject to the act;

After further consideration, the Commission is of the opinion that no useful purpose would be accomplished by revising this section of the rules and accordingly the language in the presently effective rules has been retained.

RCA Communications, Inc., has suggested that § 43.54 of the rules, relating to services (not covered by tariffs) performed by telegraph carriers, be deleted in its entirety. The Commission is of the opinion that the reports required by this section are essential to its regulatory functions, and that, judging from the infrequent filings in the past, future compliance should not be burdensome to the carriers.

Authority for the issuance of these amendments to the rules is contained in sections 4 (i) 211, and 219 of the Communications Act of 1934, as amended.

It is ordered, therefore, That Part 43, Reports of Communication Common Carriers and Their Affiliates, of the Commission's rules and regulations be amended as set forth below.

It is further ordered, That these amendments shall become effective thirty days after publication in the FEDERAL REGISTER of this final order: *Provided, however* That the amendment of § 43.31 relating to the filing of monthly reports shall become effective after the filing of the monthly report for December 1953.

Adopted: August 12, 1953.

Released: August 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

1. Delete Part 43 in its entirety and substitute the following:

Sec.

AUTHORITY: §§ 43.01 to 43.54 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077; 47 U. S. C. 211, 219.

§ 43.01 *Applicability.* (a) The sections in this part include requirements which have been promulgated under authority of sections 211 and 219 of the Communications Act of 1934, as amended, with respect to the filing by communication common carriers and certain of their affiliates of periodic reports and certain other data, but do not include certain requirements relating to the filing of information with respect to specific services, accounting systems and other matters incorporated in other parts of this title.

(b) Data already filed with the Commission which meet the requirements of this part, as amended, should not be filed again. Carriers becoming subject to the provisions of the several sections of this part for the first time, should, within thirty (30) days of becoming subject, file the required data as set forth in the various sections of the part.

§ 43.21 *Annual reports of carriers and certain affiliates.* (a) Communication common carriers, and companies directly or indirectly controlling any such carrier shall file with the Commission annual reports as provided. Except as provided in paragraph (c) of this section, each annual report required by this section shall be filed not later than March 31 of each year, covering the preceding calendar year. It shall be filed on the appropriate report form prescribed by the Commission (see § 1.544 of this chapter) and shall contain full and specific answers to all questions propounded and information requested in the currently effective report forms. The number of copies to be filed shall be as specified in the applicable report form. At least one copy of the report shall be verified under oath (or affirmed according to law) by the responsible accounting officer before a person duly authorized to administer an oath. A copy of each annual report shall be retained in the principal office of

the respondent and shall be filed in such manner as to be readily available for reference and inspection.

(b) Each communication common carrier that has separate departments or divisions for the conduct of its common carrier operations and its non-carrier activities, shall file with the Commission a supplemental annual report with respect to its common carrier operations, exclusively, and a supplemental annual report applicable only to its non-carrier operations. Each such report shall be prepared on the basis of the accounting performed for the respective departments prior to elimination of intra-company items and shall be accompanied by a statement of consolidation and eliminations or other explanation showing how the consolidated report submitted in compliance with paragraph (a) of this section was developed. Each such supplemental report shall be completed in its entirety wherever applicable to the respective departments, except that any schedule or statement that would be an exact duplicate of the corresponding schedule or statement in the consolidated report may be omitted from the supplemental report if proper annotation is made.

(c) Each company, not of itself a communication common carrier, that directly or indirectly controls any communication common carrier shall file annually with the Commission, not later than the date prescribed by the Securities and Exchange Commission for its purposes, two complete copies of the annual report Form 10K (or any superseding form) filed with that Commission: *Provided, however* That if no such report is filed with the Securities and Exchange Commission, such company shall file annual reports on the applicable report forms prescribed by this Commission.

§ 43.31 *Monthly reports of communication common carriers.* Each telephone common carrier which had operating revenues for the preceding year in excess of $1,000,000 and each other communication common carrier which had operating revenues for the preceding year in excess of $250,000 shall file with the Commission, within forty (40) days after the end of each calendar month, two certified copies of a report for that month. A copy of each such report shall be retained in the principal office of the carrier and shall be filed in such manner as to be readily available for reference and inspection. The monthly reports shall be submitted on report forms which are prescribed and furnished (or approved) by the Commission and shall contain all the information called for therein.

§ 43.42 *Reports on pensions and benefits.* (a) Each communication common carrier which had operating revenues for the preceding year in excess of $1,000,000 shall, within thirty (30) days after the adoption of a plan (or within thirty (30) days of first becoming subject to this section, if such a carrier has adopted a plan) furnish the Commission with the following information (see, however, § 43.01)

(1) A copy of the text (or if a text does not exist, a comprehensive outline) of each plan adopted by the respondent (or to which the respondent is a party) covering pensions or annuities, sick benefits, disability benefits, death benefits, termination allowances, life insurance, or any other benefit paid or payable (other than those required by law) to active, retired, or former employees or to their representatives or beneficiaries, the cost of which is borne in whole or part by the respondent, together with the effective date thereof;

(2) The facts, if any, that in the respondent's judgment, establish a contractual relationship requiring the payment of any pensions or benefits under any plan reportable under this section;

(3) A copy of each declaration of trust or other arrangement under which any pension or benefit fund has been established;

(4) A statement explaining in detail the actuarial or other basis for determining the amounts to be paid into a trust or other similar fund that has been established to provide for future pension or benefit payments;

(5) The plan of accounting for each type of pension and benefit paid or to be paid for which provision has been made or is being made in the accounts.

(b) In the event of a change (including abolishment) in any item specified in paragraph (a) of this section, the carrier shall, within thirty (30) days after the date of adoption of such change, file with the Commission a supplemental statement with respect to the change: *Provided, however* That, in the event a change is proposed, or has been made, with respect to pensions accounted for on the accrual basis (except those covered by contracts with insurance companies) that will involve or produce changes in the amounts periodically entering any account for any reason other than a change in the amount of a payroll, a supplemental statement covering the proposed changes and indicating the estimated effect upon the accounts shall, unless otherwise directed or approved by the Commission, be filed at least thirty (30) days prior to the last day of the month in which the effect of the changes are first to be reflected in the accounts.

(c) Nothing in this section shall be construed as in any way modifying the requirements of any uniform system of accounts prescribed by the Commission.

§ 43.43 *Reports of proposed changes in depreciation rates.* (a) Each communication common carrier which had operating revenues for the preceding year in excess of $1,000,000 shall, before making any change in the depreciation rates applicable to its operated plant, file with the Commission a report furnishing the data described in the subsequent paragraphs of this section, and also comply with the other requirements thereof.

(b) Each such report shall contain the following:

(1) A schedule showing for each class and subclass of plant (whether or not the depreciation rate is proposed to be changed) an appropriate designation therefor, the depreciation rate currently in effect, the proposed rate, and the service-life and net-salvage estimates underlying both the current and proposed depreciation rates;

(2) An additional schedule showing for each class and subclass, as well as the totals for all depreciable plant, (i) the book cost of plant at the most recent date available, (ii) the estimated amount of depreciation accruals determined by applying the currently effective rate to the amount of such book cost, (iii) the estimated amount of depreciation accruals determined by applying the rate proposed to be used to the amount of such book cost, and (iv) the difference between the amounts determined in subdivisions (ii) and (iii) of this subparagraph;

(3) A statement giving the reasons for the proposed change in each rate;

(4) A statement describing the method or methods employed in the development of the service-life and salvage estimates underlying each proposed change in a depreciation rate; and

(5) The date as of which the revised rates are proposed to be made effective in the accounts.

(c) When the change in the depreciation rate proposed for any class or subclass of plant (other than one occasioned solely by a shift in the relative investment in the several subclasses of the class of plant) amounts to twenty percent (20%) or more of the rate currently applied thereto, or when the proposed change will produce an increase or decrease of one percent (1%) or more of the aggregate depreciation charges for all depreciable plant (based on the amounts determined in compliance with paragraph (b) (2) of this section) the data required by paragraph (b) of this section shall be supplemented by copies of the underlying studies, including calculations and charts, developed by the carriers to support service-life and net-salvage estimates: *Provided, however* That if compliance with this requirement involves submittal of a large volume of data of a repetitive nature, only a fully illustrative portion thereof need be filed.

(d) Each report shall be filed in duplicate and the original shall be signed by the responsible official to whom correspondence related thereto should be addressed.

(e) Unless otherwise directed or approved by the Commission, the following shall be observed: Proposed changes in depreciation rates shall be filed at least ninety (90) days prior to the last day of the month with respect to which the revised rates are first to be applied in the accounts (e. g., if the new rates are to be first applied in the depreciation accounts for September, they must be filed on or before July 1) and such rates may be made retroactive to a date not more than six (6) months prior to the date of filing, but not prior to the beginning of the year in which the filing is made: *Provided, however* That in no event shall a carrier for which the Commission has prescribed depreciation rates make any changes in such rates unless the changes are prescribed by the Commission.

(f) Any changes in depreciation rates that are made under the provisions of

paragraph (e) of this section shall not be construed as having been approved by the Commission unless the carrier has been specifically so informed.

§ 43.51 *Contracts and concessions.* (a) Each communication common carrier shall file with the Commission, within thirty (30) days of execution (or within 30 days of a carrier first becoming subject to the provisions of this section) a copy of each contract, agreement, concession, license, authorization, or other arrangement to which it is a party with respect to communication traffic affected by the Communications Act of 1934, as amended, relating to the following:

(1) The exchange of services between such carrier and any carrier not subject to the act;

(2) The interchange or routing of traffic and matters concerning rates, division of tolls, or the basis of settlement of traffic balances; or

(3) Rights granted to the carrier by any foreign government for the landing, connection, installation, or operation of cables, land lines, radio stations, offices, or for otherwise engaging in communication operations.

(b) A copy of each modification, amendment, or cancellation of any instrument required to be filed under the provisions of paragraph (a) of this section shall likewise be filed within thirty (30) days after execution.

(c) If any contract, agreement, concession, license, authorization, or other arrangement, or change therein, as contemplated in paragraphs (a) and (b) of this section, is made other than in writing, a certified statement covering all details thereof shall be filed within thirty (30) days from the date it is made.

(d) Upon the filing of any item required by paragraphs (a) to (c) of this section by one of two or more carriers subject to these provisions, each other party to the agreement may, in lieu of also filing a copy thereof, file a certified statement appropriately identifying the document and concurring in the contents thereof, as filed.

§ 43.52 *Reports of negotiations regarding foreign communication matters.* Not later than the tenth day of each month, each communication common carrier engaging in or participating directly in foreign telegraph or telephone traffic affected by the Communications Act of 1934, as amended, shall file with the Commission a single copy of a report covering all negotiations, written or oral, initiated or conducted during the preceding calendar month with any foreign administration, agency, or carrier for (a) the establishment of a direct or indirect circuit between the United States and any foreign or overseas point, other than temporary arrangements for emergency routing of traffic, (b) any new foreign traffic contract, agreement, concession, license, or authorization, or (c) any change or modification in any such existing arrangement. The report shall be prepared in such manner as to show separately all data relating to each country. If no such negotiations have been initiated or conducted during the preceding month the report shall so state: *Provided, however* That any carrier whose only foreign communication consists of traffic to and from Canada or Mexico need not file a report for any month in which no negotiations have taken place. Each report shall be certified as true and correct to the best of the knowledge and belief of a responsible official of the carrier.

§ 43.53 *Reports regarding division of international telegraph communication charges.* (a) Each communication common carrier engaged directly in the transmission or reception of telegraph communications between the continental United States and any foreign country (other than one to which the domestic word-count applies) shall file a report with the Commission within thirty (30) days of the date of any arrangement concerning the division of the total telegraph charges on such communications other than transiting. A carrier first becoming subject to the provisions of this section shall, within thirty (30) days thereafter, file with the Commission, a report covering any such existing arrangements. A separate page of the report shall be devoted to inbound and a separate page to outbound communications with respect to each normal route to each country of origin or destination.

(b) In the event that any change is made which affects data previously filed, a revised page incorporating such change or changes shall be filed with the Commission not later than thirty (30) days from the date the change is made: *Provided, however* That any change in the amount of foreign participation in charges for outbound communications or in the respondent's participation in charges for inbound communications, shall be filed not later than thirty (30) days from the date the change is agreed upon.

(c) A single copy of each such report shall be filed on forms similar to those adopted by the Commission and in compliance with the instructions thereto. Sample forms will be furnished upon request.

§ 43.54 *Reports regarding services performed by telegraph carriers.* (a) Each common carrier primarily engaged in furnishing telegraph service upon commencing the performance of, or the participation in, any new type of transmission or nontransmission service that is not covered by a tariff filed with the Commission, or that discontinues entirely any such existing service, shall within thirty (30) days thereafter, file with the Commission a single copy of a report giving a description and full particulars thereof. A carrier first becoming subject to the provisions of this section shall, within thirty (30) days thereafter, file with the Commission a single copy of a report giving a description of existing services not covered by tariff filings. Each such report shall be certified as true and correct to the best knowledge and belief of a responsible official of the carrier.

(b) Among the services which may be covered by this section are the following: Communication service wholly within or between foreign countries; the leasing of wires to other communication carriers; errand service by messenger time service; burglar alarm service; pick-up and delivery for other carriers; leasing of other than telegraph plant; the sale, installation, maintenance or inspection of equipment for others; accounting, legal, engineering and other services performed for others; merchandising, jobbing, and contracting services; frequency measuring service; and stock quotation service.

2. In the list of forms in § 1.545 *Monthly financial reports,* delete the following from the text:

a. The word "(Revised)" following "F C. C. Form No. 901".

b. The words "(Revised Jan. 1950)" following "F C. C. Form No. 903";

c. The words "(Revised Jan. 1950)" following "F C. C. Form No. 905"

3. Delete § 1.546 *Reports of accounting officers.*

4. In § 1.547 *Reports to be filed under Part 31 of this chapter,* delete present text of paragraph (1) and substitute the following:

(1) 31.100:4, 31.100:7, 31.172, 31.614, Disposition of amounts included in account 100:4, "Telephone plant acquisition adjustment," and in account 100:7, "Telephone plant adjustment."

5. Delete § 1.551 and substitute the following:

§ 1.551 *Reports of proposed changes in depreciation rates.* Carriers shall file reports regarding proposed changes in depreciation rates as required by § 43.43 of this chapter.

6. Delete § 1.552 and substitute the following:

§ 1.552 *Reports regarding premature destruction of records.* Carriers shall file reports relating to the premature destruction of records as required by §§ 45.7 and 46.7 of this chapter.

7. Delete § 1.553 and substitute the following:

§ 1.553 *Reports regarding pensions and benefits.* Carriers shall file reports regarding pensions and benefits as required by § 43.42 of this chapter.

8. Delete § 1.554 and substitute the following:

§ 1.554 *Reports regarding division of international telegraph communication charges.* Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by § 43.53 of this chapter.

9. Delete § 1.556 and substitute the following:

§ 1.556 *Reports of negotiations regarding foreign communication matters.* Carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted as required by § 43.52 of this chapter.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

[F. R. Doc. 53-7342; Filed, Aug. 19, 1953; 8:51 a. m.]

PART 9—AVIATION SERVICES

The Commission having under consideration the desirability of making certain editorial changes in Part 9 of its Rules and Regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 14th day of July 1953, that, effective immediately, Part 9 of the Commission's Rules and Regulations is revised as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

AUTHORITY: §§ 9.10 to 9.1005 issued under sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

DEFINITIONS

§ 9.10 *Definition of terms.* For the purpose of this part the following definitions are applicable:

(a) *Aviation services.* Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

(b) *Fixed service.* A service of radiocommunication between specified fixed points.

(c) *Aeronautical fixed service.* A fixed service intended for the transmission of information relating to air navigation preparation for and safety of flight.

(d) *Fixed station.* A station in the fixed service.

(1) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Service.

(e) *Aeronautical fixed station.* A station in the aeronautical fixed service.

(f) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(g) *Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

(h) *Land station.* A station in the mobile service not intended for operation while in motion.

(i) *Aeronautical mobile service.* A mobile service between aircraft stations and aeronautical stations, or between aircraft stations.

(j) *Aircraft station.* A mobile station installed on board any type of aircraft and continuously subject to human control.

(1) *Aircarrier aircraft station.* An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire. For the purpose of these rules with the exception of § 9.1002, an aircraft weighing less than 10,000 lbs. may be considered, at the option of the applicant, as a private aircraft even though actually engaged in

air carrier operations. The election by the applicant will determine the application form to be used, the equipment and frequencies to be employed and the regulations applicable to the aircraft radio station.

(2) *Private aircraft station.* An aircraft station on board an aircraft not operated as an air carrier.

(3) *Flight test aircraft station.* An aircraft station aboard an aircraft used for the transmission of essential communications in connection with the tests of aircraft or major components of aircraft.

(4) *Flying school aircraft station.* An aircraft station aboard an aircraft used for communications pertaining to instructions to students or pilots while actually operating aircraft.

(k) *Aeronautical station.* A land station in the aeronautical mobile service, carrying on a service with aircraft stations. In certain instances an aeronautical station may be placed on board a ship.

(l) *Aeronautical enroute station.* An aeronautical station carrying on a service with aircraft stations, but which may also carry on a limited communication service with other aeronautical enroute stations.

(2) *Aeronautical advisory station.* An aeronautical station used for advisory and civil defense communications with private aircraft stations.

(3) *Airdrome control station.* An aeronautical station providing communication between an airdrome control tower and aircraft.

(4) *Flight test station.* An aeronautical station used for the transmission of essential communication in connection with the testing of aircraft or major components of aircraft.

(5) *Flying school station.* An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

(l) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(m) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(n) *Radiolocation service.* A service involving the use of radionavigation.

(o) *Radiolocation.* Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(p) *Aeronautical radionavigation service.* A radionavigation service intended for the benefit of aircraft.

(q) *Radionavigation station.* A station in the radionavigation service.

(l) *Aeronautical marker beacon station.* A radionavigation land station in the aeronautical radionavigation service which provides a signal to designate a small area above the station.

(2) *Radiobeacon station.* A radionavigation station the emissions of which are intended to enable a mobile station to determine its bearing or its direction in relation to the radiobeacon station.

(3) *Altimeter station.* A radio navigation mobile station, in the aeronautical radionavigation service, the emissions of which are intended to determine the altitude of the aircraft, aboard which the altimeter station is located, above the earth's surface.

(4) *Localizer station.* A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway center line.

(5) *Omni directional range station.* A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni bearing) of that station from an aircraft.

(6) *Radio range station.* A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

(7) *Surveillance radar station.* A radionavigation land station in the aeronautical radionavigation service employing radar to display the presence of aircraft within its range.

(8) *Glide path station.* A directional radio beacon associated with an instrument landing system which provides guidance in the vertical plane to an aircraft for the purpose of approach in landing.

(r) *Aeronautical utility land station.* A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

(s) *Aeronautical utility mobile station.* A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

(t) *Civil Air Patrol Land Station.* A land station used exclusively for communications of the Civil Air Patrol.

(u) *Civil Air Patrol Mobile Station.* A mobile station used exclusively for communications of the Civil Air Patrol.

(v) *Ground radio station.* Any radio station on the ground equipped or engaged in radio communication or radio transmission of energy.

(w) *Aeronautical public communication service.* A communication service carried on between aircraft and land radio stations for the purpose of providing a public communication service for persons aboard aircraft.

(x) *Aeronautical public service station.* A radio station, ground or aircraft, operated in the aeronautical public communication service.

(y) *Telemetering.* Telemetering is the automatic transmission of instrument readings.

APPLICATIONS AND LICENSES

§ 9.101 *Applications made on prescribed forms.* Applications for authorizations for stations in the aviation services shall be submitted on the prescribed forms which may be obtained from the Washington, D. C. office of the Commission, or from any of its field offices.

§ 9.102 *Place of filing.* Each application for authorization for stations in the aviation services shall be filed with the Federal Communications Commission, Washington 25, D. C.

§ 9.103 *Subscription and verification of applications.* One copy of each application for authorization in the aviation services shall be personally subscribed and verified by the applicant or, if a corporation, by an authorized official of the applicant. Subscription and verification may be made by the attorney for the applicant (a) in case of physical disability of the applicant or (b) his absence from the continental United States.

§ 9.104 *Contents of applications.* Each application shall be specific and complete with regard to frequency, power, equipment, location, and other information required by the application form.

§ 9.105 *Application for aircraft radio station license*—(a) *Application for air carrier aircraft radio station license.* Application for new or modified air carrier aircraft radio station license shall be submitted on FCC Form 404. Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) *Application for private aircraft radio station license.* Applications for new or modified private aircraft radio stations which specify only those frequencies which are regularly available for this type of service shall be submitted on FCC Form No. 404–A. Applications which include a request for frequencies or other authority not specifically set forth by FCC Form No. 404–A shall be submitted on FCC Form No. 404. Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in acordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(c) *Temporary station license for private aircraft.* The purchaser of new aircraft with factory-installed radio equipment may operate a private aircraft radio station on the aircraft for a period of 30 days under special temporary authority evidenced by a copy of a certificate (FCC Form No. 453–B) executed by the manufacturer, dealer or distributor of such aircraft, the original of which has been mailed to the Commission with the formal application for station license.

§ 9.106 *Application for aeronautical public service aircraft station.* All applications for Aeronautical Public Service Aircraft Stations, new or modified, shall be submitted on FCC Form 404. Applica-

tion for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 9.107 *Transfer and assignment of aircraft.* Upon the sale, assignment or transfer of any aircraft, a new application for license shall be submitted in accordance with § 9.105 (a) and (b).

§ 9.108 *Application for ground station authorization.* Ground station authorization may be obtained as follows:

(a) An application for construction permit for each ground station, except applications for Civil Air Patrol Stations, shall be submitted on FCC Form 401. The same form shall be used to obtain authority to modify or replace equipment. All applications for new or modified Civil Air Patrol Stations shall be submitted on FCC Form 480. All applications shall be accompanied by FCC Form 401–A in triplicate, in all cases when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed, or

(2) The antenna structures proposed to be erected will exceed an over-all height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

(b) An application on FCC Form 401 may be submitted for construction permit for any number of aeronautical utility mobile stations for the same licensee at the same location.

(c) Application for station license: Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit, an application for license may be filed on FCC Form No. 403.

(d) Upon request of the applicant, and where it appears to the Commission that the circumstances are such that there will be no deviation from the terms of the construction permit, both construction permit and license may be granted simultaneously.

(e) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(f) Application for transfer or assignment of a ground-station construction permit or license shall be filed on FCC Form No. 702.

§ 9.109 *Application for special temporary authorization.* (a) Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other than or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purposes for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

(b) In cases of emergency found by the Commission involving danger to life or property or due to damage of equipment, temporary authorization may be granted for the construction and operation of a station for the duration of such emergency. Requests for such temporary authorization may be filed by unverified telegram or letter and shall contain the following information:

(1) Name, address and citizenship status of applicant;

(2) Statement of facts upon which the request for emergency authorization is based, including estimated duration of emergency;

(3) Class of station and nature of service;

(4) Location of station including, when appropriate, geographical coordinates;

(5) Equipment to be used, specifying manufacturer, frequencies desired, plate power input to final radio frequency stage, and type of emission.

If any of the foregoing information is presently on file with the Commission, such information may be included by reference. The applicant may be required, whenever such action may be considered necessary by the Commission, to supplement the information enumerated above by filing as soon as practicable a formal application on the prescribed form.

§ 9.110 *Changes in antenna.* (a) Changes may be made in the antenna or antenna supporting structure of any station in the aviation services, except as provided in paragraph (b) of this section, without specific authorization from the Commission, provided that for stations other than mobile or aircraft (1) the Commission at Washington, D. C., and the Commission's engineer-in-charge of the inspection district in which the station is located are notified in advance of these changes; and (2) a description of these changes is incorporated in the next application for renewal or modification of the station license.

(b) No changes in the antenna or antenna structure for ground stations other than mobile may be made without specific authorization from the Commission if (1) such changes will make the antenna or structure higher than 170 feet above the ground level; (2) the antenna structure proposed will exceed an overall height of one foot above ground for each 200 feet of distance, or fraction thereof, from the nearest boundary of any landing area; (3) the antenna or antenna structure is presently required to be painted or lighted in accordance with Part 17 of this chapter. Requests for the changes outlined in this paragraph should be accompanied by FCC Form 401–A.

§ 9.111 *Amendments and dismissals.* Any application prior to the time it is granted or designated for hearing, may be amended by the applicant or dismissed without prejudice upon request of the applicant.

§ 9.112 *Form of amendments.* Any amendments to an application shall be subscribed, verified, and submitted in the same manner and with the same number of copies as required for the original application.

§ 9.113 *Amendments ordered.* The Commission may at any time order the applicant to amend an application so as to make it more definite and complete.

§ 9.114 *Defective application.* (a) Applications which are defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If the applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 9.115 *Partial grants.* Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, such action of the Commission shall be considered acceptable and final unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date whichever is later,

file with the Commission a written request for a hearing with respect to the part, privileges, terms or conditions, not granted. Upon receipt of such request, the Commission may vacate its original action upon the application and designate the application for hearing.

§ 9.116 *License period.* (a) Unless otherwise stated in the instrument of authorization, the license period for private aircraft stations shall be two years, expiring on the first day of the following month two years after the license is issued.

(b) For all stations in the Aviation Services, other than private aircraft stations, the license period shall be as follows:

(1) Each station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(2) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

§ 9.117 *Renewal of license.* Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

§ 9.118 *Posting station licenses and transmitter identification cards.* (a) The current authorization for stations at fixed locations in the aviation services shall be conspicuously posted at the place where the transmitter is located. In the event an authorization covers transmitters at several locations, the authorization shall be posted at one transmitter location and a photographic copy thereof shall be posted at all other transmitter locations. The photographic copy shall bear a notation of the location of the original authorization.

(b) The current authorization for aircraft radio stations may be posted or kept at a convenient easily accessible location in the aircraft.

(c) The current authorization for each land mobile station shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form 452-C) shall be affixed to each land mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee.

(2) Station call signal assigned by the Commission.

(3) Exact location or locations of the transmitter records.

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

§ 9.119 *Posting operator licenses.* The original license of each station operator shall be conspicuously posted at the place he is on duty, or, in the case of mobile units either the license or verification card must be kept in his personal possession: Provided, however, that if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

§ 9.120 *Discontinuance of operation.* The Commission and the Commission's engineer-in-charge of the district in which the station is located shall be notified upon the permanent discontinuance of any station in the aviation services except stations in aircraft licensed for other than aeronautical public service for hire.

§ 9.121 *Suspension of operation.* If, for any reason, it is necessary to suspend the operation of any airdrome control or ground aeronautical navigational radio station, notification of such suspension shall be made to the nearest communications center of the Civil Aeronautics Administration. If possible, the notice shall forecast the time of resumption of service. In any event, the same Civil Aeronautics Administration center shall be again notified of resumption of service.

TESTS

§ 9.141 *Equipment and service tests.* Equipment and service tests may be conducted as prescribed below provided that the necessary precautions are taken to avoid interference.

(a) *Equipment test.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned and, prior to filing of application for license, the permittee may test the equipment for a period not to exceed 30 days, provided that the Commission's engineer-in-charge of the district in which the station is located is notified 2 days in advance of the beginning of tests. Upon notice from the Commission, the permittee shall cancel, suspend, or change the date of beginning or the period for such tests as directed.

(b) *Service test.* When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee may conduct service tests in exact accordance with the terms of the construction permit until final action is taken on the application for license, provided that the Commission's engineer-in-charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests. Upon notice from the Commission, the permittee shall cancel, suspend or change the date of beginning or period of such tests as directed. Service tests must be started before the expiration date of the construction permit.

§ 9.142 *Routine tests.* The licensees of all classes of stations in the aviation services are authorized to make such routine tests as may be required for the proper maintenance of the stations provided that precautions are taken to avoid interference with any station.

LOGS

§ 9.151 *Information required in station logs.* (a) All stations in the aviation services except aeronautical utility mobile stations and aircraft stations other than those which may be required by law to maintain logs shall keep an adequate log showing:

(1) Hours of operation.

(2) Frequencies used.

(3) Stations with which communication was held.

(4) Signature of operator(s) on duty.

(b) The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed, or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements were made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 9.152 *Station records in the aeronautical public service.* All stations licensed in the aeronautical public service shall keep a file of all record communications handled and all ground stations so licensed shall keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list. All such records shall be retained as provided in Part 42 of this chapter.

§ 9.153 *Required retention period.* The logs in the aviation services may be destroyed after a period of 30 days except:

(a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(b) That logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 9.154 *Logs, by whom kept.* An entry or entries in the log of each station shall be signed or initialed by a person having actual knowledge of the facts recorded.

§ 9.155 *Log form.* The logs shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the log or in a communication manual available at the station. Recordings may be used in lieu of written logs provided there is associated with each recording a statement indicating the station and period covered over the signature of a person having knowledge of the facts recorded.

§ 9.156 *Correction of log.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall indicate the erroneous portion, initial the correction made, and indicate the date of correction.

TECHNICAL SPECIFICATIONS

§ 9.171 *Installation and operation of transmitting equipment.* The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons. The radiations of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

§ 9.172 *Frequency stability.*[1] The carrier frequency of stations in the aviation services shall be maintained within the following percentage of the assigned frequency:

	Percent
All aircraft stations on frequencies above 500 kc	* 0.01
All ground stations on frequencies above 500 kc	* 01
All stations on frequencies of 500 kc. or below	.02

* All new equipment shall meet this requirement. All existing equipment operating on frequencies below 30,000 kilocycles shall meet this requirement if this tolerance can be met by crystal change alone; otherwise the tolerance shall be 0.02 percent.

§ 9.173 *Frequency measurements.* (a) The assigned frequencies of all stations in the aviation services shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

(b) Each frequency measurement shall be recorded in the station's records by a statement signed by the person making the measurement and showing the deviation above or below the assigned frequency in cycles per second or percentage of deviation plus or minus the assigned frequency. A statement showing that an automatic frequency monitor was in service during any period shall be deemed to meet the above requirement for such period.

§ 9.174 *Power.* The power which may be authorized to a station in the aviation services shall be not more than the minimum required for satisfactory technical operation.

§ 9.175 *Types of emission.* Stations in the aviation services may be authorized to use type A1, A2, A3 and special emission, as may be appropriate. Special emission includes all types not provided for by existing international regulations such as all types of FM, pulse transmission, and frequency shift keying.

§ 9.176 *Modulation and bandwidth.* The carrier shall be modulated to a sufficiently high degree to provide effective communication, but in no case shall modulation result in objectionable emission of energy outside the authorized communication band.

§ 9.177 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

MISCELLANEOUS

§ 9.191 *Station identification.*— (a) *Telephony.* (1) Air carrier aircraft: In lieu of radio station call letters, the official aircraft registration number, or company flight identification may be used, provided, adequate records are maintained by the air carrier to permit ready identification of individual aircraft.

(2) Private aircraft: In lieu of radio station call letters, only the official aircraft registration number may be used.

(3) When use is made of the aircraft registration number, the full number must be given upon initial call of each continuous series of communications. In other communications in each series, the last three characters may be used, provided, the practice is first inaugurated by the ground station operator.

(4) An aeronautical public service aircraft station may use the identification of the aircraft station with which it is associated or an assigned telephone number, provided that, adequate records are maintained to permit ready identification of the aircraft station.

(5) A ground station in the aviation services may use in lieu of the assigned radio call letters the name of the city, area, or airdrome which it serves, together with such additional identification as may be required.

(b) *Telegraphy.* In radiotelegraphy the complete radio station call letters shall be used at the beginning and termination of each contact. After communication has been established, continuous two-way communication may be conducted without further identification or call-up (if no mistake in identity is liable to occur) until the termination of the contact. Aeronautical enroute stations utilizing automatic keying shall transmit call letters at the end of each sequence of communications and, in any event, at least once each hour during periods of transmission.

§ 9.192 *Availability for inspections.* All classes of stations in the aviation services and the maintenance records of said stations shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 9.193 *Permissible communications.*[2] All ground stations in the aviation services shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection

[1] These tolerance requirements are obviously not applicable to certain devices such as altimeters and various radar equipments. Tolerance requirements will be specified on the licenses under which such devices operate.

[2] Any station in the aviation services in Alaska, regardless of class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions or other mat-

of life and property in the air: *Provided, however* That aeronautical public service stations, and Aeronautical Advisory and Civil Air Patrol land and mobile stations may communicate in accordance with the particular section of these regulations which govern the operation of these classes of stations.

§ 9.194 *Answers to notices of violations.* (a) Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgement made within such 3-day period, by reason of illness or other unavoidable circumstances, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

(b) If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference.

(c) If the notice of violation relates to incompetent maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given.

(d) If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 9.195 *Movement of portable or mobile stations from one inspection district to another* When portable or mobile ground stations in the aviation services are moved from one radio inspection district to another, for regular operation therein, the licensee shall notify the Commission's engineers-in-charge of the respective districts. These engineers-in-charge shall be notified prior to the move, if practicable, but, in any event, not later than 48 hours thereafter.

ters relating to safety of life and property if:

(a) There is no established means of communication between the points in question;

(b) No charge is made for the communication service; and

(c) A copy of each message so transmitted is kept on file at the transmitting station in accordance with § 9.153.

AIRCRAFT RADIO STATIONS

§ 9.311 *Scope of service.* Communications by an aircraft station in the aeronautical mobile service shall be limited to the necessities of safe aircraft operation. Normally contacts with an airdrome control station shall not be attempted unless the aircraft is within the area served by the station.

§ 9.312 *Frequencies available.*[3] The following frequencies are available to aircraft stations in the aeronautical mobile service:

(a) 375 kilocycles: International direction-finding frequency for use outside the continental United States.

(b) 457 kilocycles: Working frequency exclusively for aircraft on sea flights desiring an intermediate frequency.

(c) 500 kilocycles: International calling and distress frequency for ships and aircraft over the seas.[4]

(d) 6210 kilocycles: International aircraft calling and working frequency.

(e) 8260 kilocycles: Interim calling and distress frequency for use by ships and aircraft in addition to 500 kilocycles or in lieu thereof where 500 kilocycles is not available.[4]

(f) 121.7 and 121.9 megacycles: Airport utility frequencies.

(g) 121.5 megacycles: This frequency is a universal simplex channel for emergency and distress communications. It will provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and a means for establishing air to ground contact with lost aircraft. This frequency will not be assigned to aircraft unless there are also assigned and available for use other frequencies to accommodate the normal communication needs of the aircraft.

(h)

118.1 A	119.9	123.7	125.5
118.3	120.1	123.9	125.7
118.5	120.3 B	124.1	125.9
118.7	120.5	124.3	126.1 E
118.9	120.7	124.5	126.3 E
119.1	120.9	124.7	126.5
119.3	121.1	124.9	126.7 F
119.5	121.3 C	125.1	
119.7	121.7 D	125.3	

These frequencies are available for air traffic control operations.

A—Primarily for international operations.
B—Primarily for communications with Air Route Traffic Control Centers.
C—For communication with low activity airdrome control stations.
D—Available on a secondary basis to its primary use as an airport utility frequency.
E—Available on a non-interference basis to government use of 126.18 Mc.
F—For communication with Interstate Airway Communication Stations.

[3] Although present channel spacing in the very high frequency bands is 200 kilocycles, it is expected that this spacing will eventually be reduced to 100 kilocycles. Design of VHF equipment for future use should be made with this in mind.

[4] Transmission on these frequencies with the exception of urgent and safety messages and signals must cease twice each hour, for 3 minutes beginning at x:15 and x:45 o'clock GCT.

(i) Miscellaneous maritime frequencies. Calling and working frequencies of ship stations may also be assigned to aircraft stations for the purpose of communicating with coastal stations, or ship stations, available for A1, A2, and A3 emission in conformity with Part 8 of this chapter, Rules Governing Ship Service, provided the Commission is satisfied in each case that undue interference will not be caused to the service of ship or coastal stations.

(j) Other frequencies which may be required for overseas and foreign operation may also be made available upon the showing that a need exists therefor.

(k) In addition to the frequencies specifically designated in this part, a licensee, when operating an aircraft station outside the United States as defined in the Communications Act of 1934, as amended, may use such frequencies as may be required to maintain communications by the authority having jurisdiction over the ground stations with which it is desired to maintain communication: *Provided, however,* A report shall be sent to the Federal Communications Commission within 10 days of initial use.

§ 9.315 *Lighter-than-air craft frequencies.* The following additional frequencies may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft:

3281 kc. 6615 kc. 11910 kc.

AIR CARRIER AIRCRAFT STATIONS

§ 9.321 *Frequencies available.*[3] The following frequencies, in addition to those listed in § 9.312 are available to air carrier aircraft stations:

(a) 3117.5 kilocycles: National calling and working frequency for air carrier aircraft.

(b)

Mc.	*Mc.*	*Mc.*
125.7	126.1	126.5
125.9	126.3	

These frequencies are available for communication to airdrome control stations.

(c) 126.7 megacycles: Air carrier aircraft to airway communication stations.

(d) The aeronautical frequencies listed under § 9.432 are also available to air carrier aircraft.

(e) 3023.5 [5] kilocycles (or 3105 kc. until March 15, 1954) Available to air carrier aircraft only where service on the appropriate very high frequency is not available or where service is suspended due to equipment failure.

PRIVATE AIRCRAFT STATIONS

§ 9.331 *Frequencies available.*[3] The following frequencies, in addition to those listed in § 9.312 are available to private aircraft stations:

[5] Aircraft radio station licensees presently authorized to operate on the frequency 3105 kc. may in addition thereto operate on the frequency 3023.5 kc. in accordance with § 9.321 (e) or § 9.331 (a) during the term of their current licenses without the frequency 3023.5 kc. showing on such licenses.

(a) 3023.5[5] kilocycles (or 3105 kc. until March 15, 1954) Aircraft calling and working frequency for use by private aircraft.

(b) 122.1 and 122.3 megacycles: Private aircraft to airway communication stations.

(c) 122.5, 122.7, and 122.9 megacycles: Private aircraft to airdrome control stations.

(d) The aeronautical frequencies listed under § 9.432 are also available to private aircraft upon showing that a need exists and that agreements have been made with the licensee of appropriate ground stations.

(e) 122.8 megacycles: Private aircraft stations to Aeronautical Advisory stations and between private aircraft stations themselves while in flight, using 6A3 emission only and a power output not to exceed 10 watts. In so far as the availability of this frequency is concerned, an air carrier aircraft weighing less than 10,000 pounds shall not be considered a private aircraft.

AIRDROME CONTROL STATIONS

§ 9.411 *Frequencies available.*[3] The following frequencies are available to airdrome control stations:

(a)[6]

118.1 A	119.7	121.3 C	124.9
118.3	119.9	121.7 D	125.1
118.5	120.1	123.7	125.3
118.7	120.3 B	123.9	125.5
118.9	120.5	124.1	125.7
119.1	120.7	124.3	125.9
119.3	120.9	124.5	126.1 E
119.5	121.1	124.7	126.3 E

A—Primarily for international operations.
B—Primarily for assignment to Air Route Traffic Control Centers.
C—For assignment to low activity airdrome control stations only.
D—Available on a secondary basis to its primary use as an airport utility frequency.
E—Available on a non-interference basis to government use of 126.18 Mc.

(b) 278 kilocycles: This frequency is available for assignment in addition to a very high frequency. Its use must be supplemented by a service on one of the very high frequencies, *Provided, however* That until further notice of the Commission, upon application therefor, the Commission may exempt any station from the very high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station.

(c) 121.7 and 121.9 megacycles: These utility frequencies are available to airdrome control stations for communications with ground vehicles and aircraft on the ground at airdromes. The antenna height shall be restricted to the minimum to achieve the required service.

(d) 121.5 Mc.. This frequency is a universal simplex channel for emergency and distress communications and service on this frequency shall be provided by all airdrome control stations, on or before October 1, 1950: *Provided, however* That upon application therefor the Commission may exempt any station from this requirement when a showing is made that such service is not required in the preservation of life and property in the air.

§ 9.412 *Scope of service.* (a) Communications of an airdrome control station shall be limited to the necessities of safe and expeditious operation of aircraft using the airdrome facilities or operating within the airdrome control area and in all cases such stations shall be in a position to render, and shall render, all necessary airdrome control service.

(b) The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operations on the following aircraft calling and working frequencies:

(1) *Very high frequencies.* (i) 122.5 Mc.,

(ii) 121.5 Mc. emergency frequency—upon application therefor the Commission may exempt any station from the emergency frequency watch requirement, when a showing is made that such service is not required in the preservation of life and property in the air;

(iii) Upon further notice a listening watch may be required on the frequencies 122.7 or 122.9 Mc.

(2) *High frequencies.* (i) 3105 kc. until March 15, 1954,

(ii) 3023.5 kc. after March 15, 1953.

§ 9.413 *Hours of operation.* The licensee shall render a communication service 24 hours a day: *Provided, however* That upon application therefor the Commission may exempt any station from the requirements of this provision when it appears that, in the preservation of life and property in the air, the maintenance of a continuous watch by such station is not required.

§ 9.414 *Airdrome facilities.* Only one airdrome control station will be licensed to operate at an airdrome.

§ 9.415 *Interference.* The operation of airdrome control stations in adjacent airdrome areas shall be on a non-interference basis only. In case of radio interference between adjacent airdrome control stations, the Commission will specify for its licensees, the arrangements necessary to eliminate interference.

§ 9.416 *Power.* (a) Airdrome control stations using frequencies below 400 kilocycles will not be licensed to use more than 15 watts power for type-A3 emission.

(b) The power of airdrome control stations operating on the frequencies specified in § 9.411 (a) shall be 50 watts.

AERONAUTICAL ENROUTE STATIONS

§ 9.431 *Scope of service.* Aeronautical enroute stations shall provide nonpublic service of the particular class authorized without discrimination to any aircraft station licensee who makes cooperative arrangements for the operation and maintenance of the aeronautical enroute stations which are to furnish such service and for shared liability in the operation of stations. In case of distress, aeronautical enroute stations shall provide the above service without prior arrangements.

§ 9.432 *Frequencies available.* 121.5 megacycles. This frequency is a universal simplex channel for emergency and distress communications to provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and establishing air-ground contact.

(a) *Domestic service.* Aviation route frequencies will be assigned in accordance with a chain system of allocation. A map delineating the chain systems in effect will be maintained in the offices of the Commission at Washington, D. C. Although chain systems are primarily domestic, operations may extend outside the United States. Frequencies are allocated to chains as follows:

(1) *HF chains*—(i) *Red chain and feeders.*

Kc.	Kc.	Kc.	Kc.
3147.5	3372.5	5572.5	[7] 5825
3162.5	3467.5	5582.5	[7] 8240
3172.5	5122.5	5592.5	12,230
3182.5	5162.5	5662.5	
3322.5	5172.5	5697.5	

(ii) *Blue chain and feeders.*

Kc.	Kc.	Kc.	Kc.
2906	[8] 4110	4967.5	[7] 10,125
[8] 3062.5	4237.5	[7] 5692.5	
3072.5	4947.5	[7] 6510	
3028	4952.5	[7] 6520	

(iii) *Brown chain and feeders.*

Kc.	Kc.	Kc.	Kc.
2946	3432.5	5602.5	[12] 5332.5
[9] 3137.5	4732.5	5612.5	[7] 6550
[11] 3222.5	[7] 5252.5	5622.5	[7] 7700
3232.5	[12] 5365	5632.5	[7] 10,030
3242.5	[11] 5390	5652.5	
3257.5	[9] 5480	5772.5	

(iv) *Green chain and feeders.*

Kc.	Kc.	Kc.	Kc.
[8] 2608	2986	5310	[7] 6305
[7] 2698	4122.5	5652.5	[7] 8565
2922	[13] 4335	[7] 5707.5	[8] 11,960
2946	4742.5	[7] 6795	

(v) *Purple chain and feeders.*

Kc.	Kc.	Kc.
2644	3127.5	[7] 5377.5
2934	4917.5	[7] 5837.5
3005	[7] [12] 5275	[7] 6490

(vi) *Yellow chain and feeders.*

Kc.	Kc.	Kc.
3447.5	[7] [13] 4650	[11] 5215
3457.5	5022.5	5632.5
3485	5042.5	[7] [13] 8970

See footnotes on following page.

[3] Although present channel spacing in the very high frequency bands is 200 kilocycles, it is expected that this spacing will eventually be reduced to 100 kilocycles. Design of VHF equipment for future use should be made with this in mind.

[5] Aircraft radio station licensees presently authorized to operate on the frequency 3105 kilocycles may in addition thereto operate on the frequency 3023.5 kc. in accordance with § 9.321 (e) or § 9.331 (a) during the term of their current licenses without the frequency 3023.5 kc. showing on such licenses.

[6] In filing an application for airdrome control radio station, the application may leave blank section 16 (1) of FCC Form No. 401, since it will be necessary for the Commission to determine the specific frequency after coordination with the other Government agencies concerned.

(vii) *Hawaiian chain and feeders (green)*

Kc.	Kc.	Kc.	Kc.
2922	4742.5	5375	6610

(viii) *Alaskan chain and feeders.*

(*a*)

Kc.	Kc.	Kc.
2748	5310	[7] 6590
2922	5652.5	[7A] 11,695

(*b*) These frequences are shared with the Civil Aeronautics Administration, and are available for licensing by the Commission at those locations where an applicant justifies the need for service and the Government is not prepared to render this service.

Kc.	Kc.	Kc.	Kc.
1638	2912	3082.5	5037.5
1674	2946	3285	5672.5

(2) *VHF Chains*—(i) *Transcontinental VHF chain and feeders.*

Mc.	Mc.	Mc.	Mc.
127.5	128.1	131.3	131.9
127.7	128.9	131.5	
127.9	129.3	131.7	

(ii) *Northeast VHF chain and feeders.*

Mc.	Mc.	Mc.
128.3	129.9	130.5
128.7	130.3	130.9

(iii) *Eastern VHF chain and feeders.*

Mc.	Mc.	Mc.	Mc.
127.1	128.5	129.7	130.7
127.3	129.1	130.1	131.1

(iv) *Midcontinent VHF chain and feeders.*

Mc.	Mc.	Mc.
128.3	129.9	130.5
128.7	130.3	130.9

(v) *Pacific VHF chain and feeders.*

Mc.	Mc.	Mc.	Mc.
127.1	128.5	129.7	130.7
127.3	129.1	130.1	131.1

(vi) *Common frequencies.*

126.9 Mc. (for use by aeronautical enroute stations serving international operations).

129.5 Mc. (for use on all chains).

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[7] These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

[7A] Only for operations in the Aleutian Islands.

[8] Subject to the condition that no interference is caused to Government stations, A3 emission may be used if the communication band width of emission does not exceed 3000 cycles.

[9] Primarily for that portion of the Brown Chain between New York, N. Y., and Montreal, Canada.

[10] For use only in that portion of the United States north of New York City.

[11] Primarily for that portion of the Brown Chain between New York, N. Y., and Toronto, Canada.

[12] Maximum power 50 watts for use east of New York only, subject to the condition that no interference will be caused to Agriculture stations in the fixed service or to any station which in the judgment of the Commission has priority on this frequency.

[13] Available for aeronautical enroute and aircraft stations subject to 0.01 percent tolerance and 2500 cycles maximum modulating frequency.

(vii) *Alaskan chain and feeders.*

Mc.	Mc.	Mc.
127.1	127.5	129.3
127.3	127.9	129.5

(b) *International service.* The frequencies allocated to the several routes are as follows and are subject to change as routes are organized under recommendations made by the International Civil Aviation Organization:

(1) *Inter-American Route.* 2870 (traffic control)

Kc.	Kc.	Kc.
3082.5	5405	5692.5

A–1 emission only on the following:

Kc.	Kc.	Kc.	Kc.
Kc.	6597	11,381	23,301
[14] 6557	[15] 8217	11,394	23,324
6583	[15] 8225	17,257	
6590	[15] 8233	17,274	

(2) *Trans-Pacific Route.* 2870 (traffic control)

2976 kc. 5165 kc.

A–1 emission only on the following:

Kc.	Kc.	Kc.	Kc.
[14] 6557	8561	11,369	23,346
6563	8569	12,824	23,369
6570	8577	17,319	
6577	11,356	17,336	

(3) *Europe-North America Route.* 2870 (traffic control)

2912 kc. [7] 3285 kc. 3248 kc.

A–1 emission only on the following:

Kc.	Kc.	Kc.	Kc.
[14] 6543	8538	11,319	17,350
6563	8546	12,776	[16] 17,367
6570	8554	[16] 12,788	23,211
6577	11,306	[14] 17,288	23,234

(4) *Europe-North America via Arctic Route.* 2912 (traffic control)

[17] 1674 kc. 3285 kc.

A–1 emission only on the following:

Kc.	Kc.	Kc.	Kc.
[14] 6523	6543	8485	17,288
[14] 6530	[14] 6550	11,331	23,256
6537	6557	11,344	23,279

(5) *North Pacific via Alaska Route.*

Kc.		Kc.
4742.5	(A–1 only)	3485
6523	(A–1 only)	5612.5
6537	(A–1 only)	8220
6590	(A–1 only)	10,080
[7] 8554	(A–1 only)	13,420
12,788	(A–1 only)	[7] 16,630
17,550	(A–1 only)	

(6) *Central Eastern Pacific Route.*

Kc.	Kc.
3127.5	12,330
5577.5	18,360
8700	

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[14] Additional frequency to be used only in case of interference or when traffic conditions do not permit the use of the other frequencies assigned to this route.

[15] Priority is recognized of the service existing outside the American continents as of January 1938.

[16] Priority is recognized of the existing services of the American continents as well as of the territories and possessions of the States of these continents.

[17] Not to be used south of Ketchikan, Alaska, or in the continental United States.

AERONAUTICAL FIXED STATIONS

§ 9.441 *Scope of service.* Aeronautical fixed stations are authorized primarily for the handling of communications in connection with and relating solely to the actual aviation needs of the licensees. Aeronautical fixed stations will not be authorized where land line facilities adequate for the service required are available.

§ 9.442 *Emergency service.* The licensee of an aeronautical fixed station shall be required to transmit, without charge or discrimination, all necessary messages in times of public emergency which involve the safety of life or property.

§ 9.443 *Frequencies available.*[18] [19] Frequencies allocated to the fixed service by international or regional agreement or under the rules of the Commission shall be available for assignment to aeronautical fixed stations. The specific frequency will be selected in accordance with the requirements of the aviation services contemplated.

OPERATIONAL FIXED STATIONS

§ 9.446 *Scope of service.* Operational fixed stations in the aeronautical fixed service are authorized primarily for link or control circuits.

§ 9.447 *Frequencies available.* Operational fixed stations in the aeronautical fixed service will share the frequency bands allocated to operational fixed stations with other services as follows:

(a) Four frequencies in the band 72–76 Mc. in any area are available to operational fixed stations in the aeronautical fixed service on the condition that harmful interference will not be caused to the reception of television stations on channels 4 or 5 and provided that adequate land line facilities are not available.

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[18] Frequencies authorized or assigned by the Commission to aeronautical fixed stations as of March 1, 1947, include the following:

Kc.	Kc.	Kc.	Kc.
1722	4735	6680	10,535
2608	4740	6795	10,640
2612	4745	6805	10,647.5
2636	5215	6820	10,855
2640	5220	7700	10,955
2644	5252.5	8015	10,965
2648	5255	8070	10,970
2732	5275	8565	11,470
2748	5310	8700	11,910
2930	5365	8705	11,960
2998	5370	8910	12,330
3050	5375	9200	16,240
3290	5425	9310	16,290
4110	5707.5	9785	16,310
4115	6490	10,020	16,440
4335	6510	10,080	18,360
4650	6520	10,125	23,025
4690	6550	10,190	
4730	6615	10,440	

[19] Frequencies authorized or assigned by the Commission to aeronautical fixed stations in Alaska as of August 1, 1949 include the following:

Kc.	Kc.	Kc.	Kc.
2648	5042.5	5662.5	8554
4650	5122.5	5887.5	12,788
4742.5	5582.5	6570	17,550
4947.5	5622.5	6590	
4967.5	5632.5	8015	

(b) Band 952–960 Mc:
(c) Band 1850–1990 Mc.
(d) Band 2110–2200 Mc.
(e) Band 2500–2700 Mc.
(f) Band 6575–6875 Mc.
(g) Band 12,200–12,700 Mc.

(h) In filing an application for an operational fixed station in the aeronautical fixed service, the applicant may leave blank section 16 (1) of FCC Form 401, since it will be necessary for the Commission to determine the specific frequency being assigned.

AERONAUTICAL UTILITY MOBILE STATIONS

§ 9.451 *Frequencies available.* The frequencies 121.7 and 121.9 megacycles are available for aeronautical utility mobile stations.

§ 9.452 *Scope of service.* Communications by a utility station shall be limited to the necessities of ground traffic control at an airdrome and may be used for essential communications with the control towers, ground vehicles and aircraft on the ground.

§ 9.453 *Power* Power and antenna height shall be restricted to the minimum to achieve the required service.

§ 9.454 *Supervision by airdrome control operator* At any airdrome at which an airdrome control tower is in operation, transmission by the utility station shall be subject to the control of the airdrome control station and shall be discontinued immediately when so requested by the control station. The utility station shall guard the utility frequency during periods of operation.

RADIONAVIGATION STATIONS

§ 9.511 *Frequencies available.*[6] (a) Localizer station with simultaneous radiotelephone channel. The frequencies:

108.1	109.1	110.1	111.1
108.3	109.3	110.3	111.3
108.5	109.5	110.5	111.5
108.7	109.7	110.7	111.7
108.9	109.9	110.9	111.9

(b) Glide path station: The band 328.6 to 335.4 megacycles.

(c) Aeronautical marker beacon station: 75 megacycles.

(d) Radio Range stations: 112.1 megacycles through 117.9 megacycles and the following frequencies in the 108–112 megacycles band:

108.2	109.2	110.2	111.2
108.4	109.4	110.4	111.4
108.6	109.6	110.6	111.6
108.8	109.8	110.8	111.8
109.0	110.0	111.0	112.0

(e) Radiobeacon stations: 200–400 kilocycles.

§ 9.512 *Scope of service.* Air navigation aid facilities are usually operated by the Civil Aeronautics Administration. However, the frequencies which these facilities employ are available for licensing by the Commission at those locations where an applicant justifies the need for such service and the Government is not prepared to render this service. Air navigation service will be authorized only where the applicant meets all requirements specified by the Federal Communications Commission after consultation with the Civil Aeronautics Administration.

§ 9.513 *Unattended operation of domestic radiobeacon stations.* (a) Authority may be granted to operate, during the course of normal rendition of service, radiobeacon stations which are located within the United States, its territories or possessions without attendance of any person, in those cases where an adequate showing has been made to the Commission with respect to all of the following seven conditions:

(1) The transmitter is crystal controlled and specifically designed for radiobeacon service and capable of transmitting by self-actuating means;

(2) The emissions of the transmitter shall be continuously monitored by a licensed operator; or by means of a direct positive automatic monitor, supplemented by aural monitoring at suitable intervals;

(3) If as a result of aural monitoring, it is determined that a deviation from the terms of the station license has occurred, a properly authorized person will be dispatched immediately to the transmitter site and place the transmitter in an inoperative condition. If automatic monitoring is used, the monitor shall insure that the operation of the station is in accordance with the terms of the station license, or shall place the transmitter in an inoperative condition;

(4) The time, carefully estimated, required to dispatch a properly authorized person to the transmitter site and to place the transmitter in an inoperative condition;

(5) Inspection of the equipment shall be conducted at suitable intervals determined by the performance record of the equipment and maintenance experience, but in any event, an inspection shall be conducted at least every 60 days. A record of the results of an inspection shall be kept in the maintenance records of the station;

(6) The transmitter is so installed and protected that it is not accessible to, and may not be placed in operation by, other than duly authorized persons;

(7) The location of the transmitter is such that it is impracticable to require an operator to be on duty at the transmitter or other point at which the operation of the transmitter could be directly controlled.

(b) Authority for unattended operation shall be expressly stated in the station authorization before such operation may be commenced.

(c) In any case in which authority for unattended operation has been granted the Commission may at any time, for purposes of national defense, without the necessity of any hearing, cancel the authority or modify it in such a manner as to require the provision of adequate means to permit the station to be placed in an inoperative condition promptly whenever notice to that effect is given.

FLIGHT TEST STATIONS

§ 9.611 *Frequencies available.* (a) The frequencies 3281 kilocycles, 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flight test stations (the very high frequencies are shared with flying school stations on a noninterference basis)

(b) The following frequencies are available to flight test stations for telemetering activities.

Mc.	*Mc.*	*Mc.*	*Mc.*
217.425	217.575	219.375	219.525
217.475	217.625	219.425	219.575
217.525	217.675	219.450	
217.550	219.325	219.475	

§ 9.612 *Eligibility of licensee.* A flight test station license may be granted only for use by either;

(a) Manufacturers of aircraft or major aircraft components, or

(b) A parent corporation or its subsidiary if either corporation is a manufacturer of aircraft or major aircraft components.

§ 9.613 *Cooperative use of facilities.* (a) Only one flight test station for operation on the ground will be licensed to serve an airdrome and such station will be required to provide service without discrimination, but on a cooperative maintenance basis, to all manufacturers eligible for a license for flight test station.

(b) Where licensees desire to conduct flight tests in adjacent airdrome control areas, or where radio interference may result from simultaneous operation of stations at nearby airdromes, they shall arrange for a satisfactory time division by mutual agreement. If such an agreement cannot be reached the Commission will determine and specify the time division upon request of either licensee.

§ 9.614 *Scope of service.* The use of these stations will be restricted to the transmission of necessary information or instructions relating directly to tests of aircraft or components thereof.

§ 9.615 *Power.* The power output of flight test stations designated for operation on board aircraft shall be limited to 10 watts and ground stations shall be limited to 50 watts.

FLYING SCHOOL STATIONS

§ 9.711 *Frequencies available.* The frequencies 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flying school stations (shared with flight test stations on a noninterference basis).

§ 9.712 *Eligibility of licensee.* A flying school station license will be granted only to flying schools and soaring societies.

§ 9.713 *Limitations of instructional facilities.* Assignments will be limited to one station to an airdrome location for one or more flying schools.

§ 9.714 *Coordinated use of instructional facilities.* Where more than one flying school operates from an airdrome location, coordinated use of a single instructional frequency shall be arranged, placed in the form of a signed agreement and filed with the Commission. In

[6] In filing an application for a radio navigation station, the applicant may leave blank sec. 16 (1) of FCC Form 401, since it will be necessary for the Commission to determine the specific frequency after coordination with the other Government agencies concerned.

case of disagreement, the Commission will specify the arrangement to be followed.

§ 9.715 *Scope of service.* Communications for instructional flying under the direction of a flying school station in the vicinity of an airdrome shall be transmitted only on the flying school frequency assigned to that station.

§ 9.716 *Supervision by airdrome control operator* At any airdrome at which an airdrome control station or control tower is in operation, the airdrome control operator must be given a remote microphone connection to the transmitter operating on the flying school frequency for the transmission of orders or instruction to students in flight.

§ 9.717 *Power* The power output of flying school stations shall not be more than 50 watts for land stations and not more than 10 watts for aircraft stations.

§ 9.718 *Frequency assignments nonexclusive.* No frequency available to a station engaged in instructional flying will be assigned exclusively to any applicant. All stations in this service are required to coordinate operation so as to avoid interference and make the most effective use of assignments.

§ 9.719 *Private service prohibited.* The use of flying school frequencies for other than instruction purposes and promotion of safety of life and property is prohibited.

AERONAUTICAL PUBLIC SERVICE STATIONS

§ 9.811 *Frequencies available.*[20] The frequencies available to ship telegraph and ship telephone stations are available to aeronautical public service aircraft stations for the handling of public correspondence in the same manner and to the same extent that they are available to ships of the United States and under restrictions hereinafter provided. These frequencies are assigned on the express condition that no interference is caused to marine operations.

§ 9.812 *Stations licensed for aeronautical public service.* Only those stations in the aviation services licensed for aeronautical public service may carry on public communication service. Coastal or ship stations licensed to carry on public communication service may provide such service to or from aeronautical public service aircraft stations. No aeronautical public service station shall carry on interstate or foreign public communication service for hire unless appropriate effective tariffs covering such service are on file with the Commission.

§ 9.813 *Scope of service.* (a) All stations licensed in the aeronautical public service shall intercommunicate without discrimination with any other station similarly licensed, whenever necessary for the handling of traffic.

(b) Aeronautical public service stations shall, without discrimination and on reasonable demand, be made available for the use of all persons.

§ 9.814 *Requirement for aeronautical public service station.* A license or other instrument of authorization may be issued for a station for public correspondence provided that a continuous effective listening watch is maintained on the frequency or frequencies used for the aviation safety service messages while public service messages are being handled; and that the installation and system of operation will permit instantaneous interruption of aeronautical public service communications to transmit or receive safety service messages.

§ 9.815 *Priority of communications.* (a) All communications of stations in the aeronautical mobile service are essential to the safe operation of aircraft and shall have priority over public correspondence.

(b) The radio operator in charge of the aircraft station shall suspend operation of an aeronautical public service aircraft station when such operation will delay or interfere with messages pertaining to safety of life and property or when ordered to do so by the captain of the aircraft.

(c) The operation of an aeronautical public service station shall be suspended when it interferes with the radio communications of the safety service.

CIVIL AIR PATROL STATIONS

§ 9.911 *Eligibility for station license.* Authorizations for land and mobile stations of the Civil Air Patrol will be issued only to units or headquarters of the Civil Air Patrol. All applications will be supported by a confirming statement from the proper military authority.

§ 9.912 *Frequencies available.* The following frequencies have been made available by the Commission for assignment to land and mobile stations of the Civil Air Patrol.

(a) 2374 kc., A–1, A–2, A–3 emission, 400 watts maximum power.

(b) 4585 kc., A–1, A–2, A–3 emission, 400 watts maximum power.

(c) 4325 kc., A–1, A–2, A–3 emission, 400 watts maximum power, limited to stations in the southeast area of the United States, comprised of the District of Columbia and the following States:

Florida, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Maryland, Delaware.

(d) 4507.5 kc., A–1, A–2, A–3 emission, 400 watts maximum power available to all areas of the United States except those listed in paragraph (c) of this section.

(e) 148.14 Mc., A–2, A–3 emission, 50 watts maximum power.

§ 9.913 *Scope of service.* Land and mobile stations of the Civil Air Patrol may be used only for training operational and emergency activities of the Civil Air Patrol.

(a) Civil Air Patrol Land Stations may communicate with other land stations and mobile stations of the Civil Air Patrol.

(b) Civil Air Patrol Mobile Stations may communicate with other mobile stations and land stations of the Civil Air Patrol.

§ 9.914 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) A station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code shall be operated by a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission, except that aircraft radio stations while employing radiotelegraphy may not be operated by holders of restricted radiotelegraph operator permits.

(c) Aircraft radio stations: Aircraft radio stations using radiotelephony shall be operated by persons holding any class of commercial radio operator license or permit or an aircraft radiotelephone operator authorization.

(d) Ground radio stations: Each transmitter shall be operated in the manner prescribed in this paragraph:

(1) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), and (6) of this paragraph, an unlicensed person may operate a land mobile station during the course of normal rendition of service when transmitting on frequencies about 25 Mc. after being authorized to do so by the station licensee.

(2) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), (6) and (7) of this paragraph, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a land mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc: *Provided, however* That an unlicensed person, after being authorized to do so by the station licensee, may operate such a land mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc. while it is associated with and under the operational control of a base station of the same station licensee.

(3) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4) (5), (6) and (7) of this paragraph, land stations shall be operated when transmitting during the course of normal rendition of service by a person holding a commercial radio operator license or permit of any class, which licensed operator may permit other persons to transmit or to communicate over the facilities of the station in accordance with the term of the station

[20] The general mobile service, as proposed, may also be available for use aboard aircraft.

license: *Provided,* That the licensed operator shall remain in full control of and shall be fully responsible for the emission of that station and shall suspend the radiation of the transmitter immediately when there is a deviation from the terms of the station license: *And provided further* That the person manipulating the telegraph key for the transmission by manual or semiautomatic means of telegraphy by any type of the Morse Code by such station shall hold a class of radiotelegraph operator's license which is valid for the operation of that station.

(4) The provisions of this paragraph authorizing certain unlicensed persons to operate certain stations when transmitting during the course of normal rendition of service, shall be applicable only to stations in the domestic service. For the purposes of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in the international service is one which is not in the domestic service as just defined.

(5) The provisions of this paragraph authorizing certain unlicensed persons to operate land mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof) or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(6) Not withstanding any other provisions of this paragraph, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used) issued by the Commission.

(7) Any reference in this paragraph to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

AERONAUTICAL ADVISORY STATIONS

§ 9.1001 *Eligibility for station license.* (a) Authorizations for aeronautical advisory stations will be issued only to the owner or operator of a landing area, not served by an airdrome control station.

(b) Only one aeronautical advisory station will be authorized at a landing area.

§ 9.1002 *Frequencies available.* 122.8 megacycles, 6A3 emission: For communications with private aircraft stations. In so far as the availability of this frequency is concerned, an air carrier aircraft weighing less than 10,000 pounds shall not be considered a private aircraft.

§ 9.1003 *Power output.* The power output of Aeronautical Advisory stations shall not exceed 10 watts.

§ 9.1004 *Scope of service.* Aeronautical advisory stations shall not be used for air traffic control. Such stations, for the purpose of communicating with aircraft engaged in civil defense activities, may be moved from place to place and operated at unspecified locations, except at landing areas served by airdrome control stations or other aeronautical advisory stations. Permissible communications of an aeronautical advisory station are as follows:

(a) *Advisory.* Communications shall be limited to the necessities of safe and expeditious operation of aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, available weather information or other information necessary for aircraft operations.

(b) *Civil defense.* (i) The frequency 122.8 Mc. may be used in addition to its normal purposes for communications with private aircraft engaged in organized civil defense activities in time of enemy attack or immediately thereafter.

(ii) These communications also may be handled on a secondary basis to provide communication with private aircraft engaged in organized civil defense activities in preparation for anticipated enemy attack.

"Civil defense" is defined, for this purpose, in accordance with section 3 (b) of the Federal Civil Defense Act of 1950, Public Law 920, 81st Congress as follows:

The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (2) to deal with the immediate emergency conditions which would be created by any such attack, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (a) measures to be taken in preparation for anticipated attack (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelters, shelter areas, and control centers; and when appropriate, the non-military evacuation of civil population), (b) measures to be taken during attack (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (c) measures to be taken following attack (including activities for fire fighting; rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities).

§ 9.1005 *Operator requirements.* (a) An Aeronautical Advisory station shall be operated, when transmitttting during the normal rendition of service, by a person holding a commercial radio operator license or permit of any class except an aircraft radiotelephone operator authorization.

(b) Aircraft radio stations using radiotelephony, when transmitting during the normal rendition of service, shall be operated by persons holding any class of commercial radio operator license or permit or an aircraft radiotelephone operator authorization.

(c) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 53-7382; Filed, Aug. 19, 1953; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXIII—Defense Materials Procurement Agency

ABOLISHMENT

EDITORIAL NOTE: For order abolishing the Defense Materials Procurement Agency established by Executive Order No. 10281 of August 28, 1951, and transferring certain functions to the Administrator of General Services, see Executive Order 10480 under Title 3, The President, *supra.*

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

PROPOSED BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth which were recommended by the administrative committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.)

Consideration will be given to any data, views or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., not later than 15 days following publication in the FEDERAL REGISTER. The proposals are as follows:

§ 958.213 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal year ending May 31, 1954, will amount to $1,000.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.19)

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of August 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-7359; Filed, Aug. 19, 1953; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

RESTORATION ORDER NO. 9 (R-IV) UNDER FEDERAL POWER ACT

AUGUST 14, 1953.

Pursuant to a determination of July 23, 1953, of the Federal Power Commission, Docket Nos. DA-339 and DA-341-Colorado, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described lands, so far as they are withdrawn or reserved for power purposes by Power Site Reserve No. 195 and Power Site Classifications Nos. 108, 110, and 426, are hereby opened to mineral entry, only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and subject to the stipulation that, if and when the lands are required wholly or in part for purposes of power development, any structure, machinery, or improvements placed thereon which interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees, and subject to the stipulation that there is reserved to the United States, its successors or assigns, the prior right to use any and all portions of the lands:

SIXTH PRINCIPAL MERIDAN

T. 15 S., R. 104 W.
Sec. 16, W½, SE¼,
Sec. 17, NE¼, W½SE¼, W½,
Sec. 18, Lots 1, 2, 3, 4,
Sec. 20, NW¼NE¼, S½NE¼,
Sec. 21, N½NE¼, SW¼NW¼, SW¼, NE¼SE¼, S½SE¼,
Sec. 22, W½W½, SE¼SW¼,
Sec. 27, W½, SW¼NE¼, W½SE¼,
Sec. 28, NE¼, E½NW¼, N½SE¼, SE¼SE¼,
Sec. 33, NE¼NE¼.
Sec. 34, NW¼NE¼, S½NE¼, W½, SE¼.

NEW MEXICO PRINCIPAL MERIDAN

T. 46 N., R. 16 W.
Sec. 2, Lot 4, SW¼NW¼, W½SW¼,
Sec. 3, Lots 1, 2, 3, 4, S½N½, N½S½, SE¼SE¼,
Sec. 4, Lots 1, 2, 3, S½NE¼, SE¼NW¼, NE¼SE¼, W½SW¼,
Sec. 5, Lots 2, 3, S½NE¼, SE¼,
Sec. 8, NE¼NE¼,
Sec. 9, N½N½, SE¼NE¼,
Sec. 10, Lots 3, 4, 5, 6, 7, SW¼NE¼, S½NW¼, W½SE¼.
Sec. 11, W½NW¼, SE¼NW¼, SW¼,
Sec. 14, Lots 1, 2, 3, 4, 5, 8, NE¼NW¼, NW¼SE¼, SE¼SE¼.
Sec. 15, Lots 1, 2, W½NE¼, SE¼NW¼, N½S½, SE¼SE¼,
Sec. 23, NW¼, NW¼NE¼, S½,
Sec. 24, S½NE¼,
Sec. 25, NE¼, N½NW¼, SE¼NW¼,
T. 47 N., R. 16 W.
Sec. 18, Lot 4, SE¼SW¼,
Sec. 19, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, N½NE¼, SE¼NE¼,
Sec. 20, Fractional S½,
Sec. 21, SW¼,
Sec. 28, NW¼,
Sec. 29, Lots 1, 2, 3, 4, 5, 6, 7, 8, N½NE¼, SE¼NE¼, W½SW¼, E½SE¼.
Sec. 30, Lots 1, 2, W½NE¼, SE¼NE¼, NE¼NW¼, SE¼,
Sec. 31, E½E½,
Sec. 32, Lots 1, 2, 3, 4, 5, 6, 7, NE¼NE¼, W½NW¼ SE¼NW¼, SW¼, SW¼SE¼,
Sec. 33, Fractional W½.
T. 47 N., R. 17 W.
Sec. 1, N½, SW¼, N½SE¼,
Sec. 2, All,
Sec. 3, S½,
Sec. 4, All,
Sec. 10, NE¼, NW¼SE¼,
Sec. 11, N½, N½SE¼, SE¼SE¼,
Sec. 12, W½, W½E½,
Sec. 13, W½, W½E½, SE¼NE¼, NE¼SE¼,
Sec. 14, E½NE¼, NE¼SE¼,
Sec. 24, W½NE¼, SE¼NE¼, NE¼NW¼.
T. 48 N., R. 17 W.
Sec. 19, Lots 3, 4, E½SW¼,
Sec. 28, S½NE¼, SE¼, W½,
Sec. 29, All,
Sec. 30, All,
Sec. 32, NE¼, N½SE¼, SE¼SE¼, E½NW¼, NW¼NW¼,
Sec. 33, W½,
Sec. 34, E½,
Sec. 35, S½SW¼.
T. 47 N., R. 18 W.
Sec. 1, Lots 3, 4,
Sec. 2, N½, SW¼,
Sec. 3, Lots 1, 2, S½N½, S½,
Sec. 4, NE¼SE¼, W½SE¼,
Sec. 6, SW¼SE¼,
Sec. 8, NW¼SW¼,
Sec. 9, SE¼NE¼, E½SE¼,
Sec. 10, NE¼NW¼, W½W½,
Sec. 15, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼,
Sec. 16, SW¼SE¼,
Sec. 19, SW¼SE¼,
Sec. 20, S½SE¼, SE¼SW¼,
Sec. 21, NW¼NE¼, SW¼SE¼, S½SW¼,
Sec. 22, NW¼NE¼, S½NE¼, E½SE¼NW¼,
Sec. 26, SE¼NW¼,
Sec. 27, NE¼SE¼, N½SW¼,
Sec. 28, W½NE¼, SE¼NE¼, N½NW¼,
Sec. 29, N½N½,
Sec. 30, Lots 3, 4, NW¼NE¼, E½SE¼, E½W½,
Sec. 31, Lots 1, 2, 4, E½E½, E½NW¼, SE¼SW¼,
Sec. 32, S½NW¼, S½.
T. 48 N., R. 18 W.
Sec. 2, N½, SW¼,
Sec. 3, Lots 1 to 5 inclusive, Lot 8, Lots 16 to 38 inclusive, W½SW¼,
Sec. 4, Lots 1, 2, 4, 7, 8, 11, 13, 14, 17 to 21 inclusive,

Sec. 5, Lots 1 to 12 inclusive, Lots 15 and 16,
Sec. 9, NW¼NW¼,
Sec. 10, NE¼, NE¼SE¼, NE¼NW¼,
Sec. 11, W½E½, W½,
Sec. 14, N½N½, SW¼NW¼, NW¼SW¼, S½SW¼,
Sec. 23, W½,
Sec. 24, N½, SE¼,
Sec. 25, All,
Sec. 26, All,
Sec. 34, E½,
Sec. 35, All,
Sec. 36, All.

T. 49 N., R. 18 W.
Sec. 5, NW¼, W½SW¼, unsurveyed SW¼NE¼, W½SE¼, SE¼SE¼,
Sec. 6, Unsurveyed N½NE¼,
Sec. 8, NE¼NE¼, S½NE¼, SE¼, NW¼NW¼, S½NW¼,
Sec. 9, W½SW¼,
Sec. 17, Unsurveyed E½, E½SW¼,
Sec. 20, Unsurveyed NE¼, N½SE¼, SE¼SE¼, NE¼NW¼,
Sec. 21, Unsurveyed W½NW¼, SW¼,
Sec. 27, Unsurveyed W½SW¼,
Sec. 28, Unsurveyed all,
Sec. 29, Unsurveyed E½NE¼,
Sec. 33, Unsurveyed NE¼, E½NW¼, S½,
Sec. 34, Unsurveyed W½, S½SE¼.

T. 50 N., R. 18 W.
Sec. 19, W½SW¼, unsurveyed SW¼NW¼,
Sec. 30, NW¼, NE¼SW¼, unsurveyed S½SE¼,
Sec. 31, E½, W½NW¼, SE¼NW¼,
Sec. 32, SW¼.

T. 46 N., R. 19 W.
Sec. 1, W½, SE¼, unsurveyed NE¼.
Sec. 2, All,
Sec. 10, SE¼,
Sec. 11, All,
Sec. 12, W½,
Sec. 13, W½W½,
Sec. 14, All,
Sec. 15, E½.

T. 47 N., R. 19 W.
Sec. 12, S½NW¼,
Sec. 35, SE¼, E½SW¼,
Sec. 36, Lots 2, 3, 4, SE¼NE¼, S½NW¼, W½SE¼, SW¼.

T. 50 N., R. 19 W.
Sec. 1, W½,
Sec. 2, Lots 1, 2, 3, S½NE¼, SE¼NW¼, SE¼,
Sec. 11, Unsurveyed E½NE¼,
Sec 12, SW¼NE¼, W½, SE¼,
Sec. 13, N½, SE¼, E½SW¼,
Sec. 24, E½, NE¼NW¼,
Sec. 25, Unsurveyed E½E½,
Sec. 36, Unsurveyed NE¼.

T. 51 N., R. 19 W.
Sec. 8, Lots 1, 2,
Sec. 9, Unsurveyed SW¼SE¼,
Sec. 15, NW¼NE¼ SE¼SE¼, unsurveyed S½NW¼,
Sec. 16, Lot 5, unsurveyed W½NE¼, SE¼NE¼,
Sec. 17, W½NE¼, SE¼SE¼,
Sec. 21, N½, N½SE¼,
Sec. 22, Lots 1 to 5 inclusive, Lot 8, E½NE¼, S½SE¼, NW¼SW¼,
Sec. 23, NW¼SW¼, S½SW¼,
Sec 26, SE¼NE¼, N½SE¼, SE¼SE¼, SW¼SW¼,
Sec. 27, Unsurveyed NE¼NE¼,
Sec. 35, E½NE¼, SW¼SE¼, W½W½, SE¼SW¼,
Sec. 36, Unsurveyed W½SW¼.

This order shall not affect any other lands so reserved or affect any other order withdrawing or reserving the lands described.

RALPH J. MITCHELL,
Acting Regional Administrator

[F. R. Doc. 53-7340; Filed, Aug. 19, 1953; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Secretary's Memorandum No. 1171, Supp. 4, Rev. 2]

FARMERS HOME ADMINISTRATION

DELEGATIONS OF AUTHORITIES WITH RESPECT TO PRODUCTION AND ECONOMIC DISASTER LOANS, SPECIAL LIVESTOCK LOANS, FUR LOANS, AND ORCHARD LOANS

Order amending the order consummating transfers necessitated by Public Law 38, 81st Congress, as amended, and providing certain authorities.

Pursuant to the authority contained in the act of April 6, 1949 (63 Stat. 43; 12 U. S. C. 1148a-1) as amended, and R. S. 161 (5 U. S. C. 22), it is hereby ordered as follows:

1. All assets (except funds made available to the Secretary under the act of April 6, 1949, and under the subheading "Farmers Home Administration" in the act of October 24, 1951 (65 Stat. 616) and appropriated or made available under the authority of Public Law 115, 83d Congress) contracts, property, claims and rights, all records, all personnel, and all liabilities of the Regional Agricultural Credit Corporation of Washington, District of Columbia, shall be transferred to the Farmers Home Administration. The Secretary will, from time to time, allocate funds made available under the acts cited in this paragraph to the Farmers Home Administration for the performance of the functions transferred hereunder.

2. Subject to the limitations contained herein, all authorities, powers, functions and duties vested in the Secretary of Agriculture under said act of April 6, 1949, as amended by the act of August 5, 1950 (64 Stat. 414), and as amended and supplemented by the act of July 14, 1953, Public Law 115, 83d Congress (all hereinafter referred to as the "act"), are hereby transferred to the Farmers Home Administration to be exercised by the Administrator thereof, except (a) the power and authority conferred upon the Secretary by section 2 (a) of the act to designate areas or regions where production disasters have caused a need for agricultural credit, (b) the power and authority conferred upon the Secretary by section 2 (b) of the act to find that an economic disaster has caused a need for agricultural credit that cannot be met for a temporary period from responsible private or other public sources, and (c) the power and authority to appoint Special Livestock Loan Committees authorized by section 2 (c) of the act, all of which authorities are hereby expressly reserved to the Secretary of Agriculture; and also except the authority to give final approval to loans under section 2 (c) of the act and the authority to furnish feed and seeds to farmers, ranchers or stockmen under section 2 (d) of the act: *Provided, however* That when a subsequent production disaster occurs in any area or region previously designated by the Secretary of Agriculture pursuant to section 2 (a) of the act within the time during which initial applications for loans in such area or region are authorized, the Administrator, upon a finding that the need for agricultural credit continues to exist, or has been increased by reason of a subsequent production disaster, may extend credit under said section 2 (a) of the act during the same period to farmers and stockmen who have suffered damage from the subsequent production disaster.

3. There is hereby confirmed to Special Livestock Loan Committees appointed pursuant to section 2 (c) of the act, with respect to Special Livestock Loans authorized by said subsection, to be exercised in the respective areas for which they shall have been designated to serve, authority to give final approval to loans not in excess of $50,000, and conditional approval, subject to final approval by the Secretary of Agriculture, to loans in excess of $50,000.

4. The Administrator of the Farmers Home Administration may issue, subject to approval by the Secretary of Agriculture, rules and regulations necessary for the proper exercise of the authorities and powers and for the performance of the functions and duties herein assigned, including but not limited to regulations governing administrative jurisdiction over Special Livestock Loan Committees and regulations with respect to the manner in which conditional and final approval of loans under section 2 (c) of the act shall be exercised by the Committees.

5. In his discretion, the Administrator of the Farmers Home Administration may redelegate, upon such terms and conditions as he may prescribe, the powers and authorities herein conferred upon him. In his absence, or in the event of his disability, such powers and authorities may be exercised by the Acting Administrator.

6. The transfers ordered herein and the exercise of authorities delegated herein shall be subject to the limitations and requirements of regulations of the Department of Agriculture.

7. This order supersedes and revokes the order of the Secretary of Agriculture dated April 12, 1951 (16 F. R. 3383)

Done at Washington, D. C., this 30th day of July 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-7321; Filed, Aug. 19, 1953; 8:47 a. m.]

Rural Electrification Administration

[Administrative Order 4326]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 4, 1953.

Inasmuch as North Central Mississippi Electric Power Association has transferred certain of its properties and assets to Columbia Power Cooperative Association, and Columbia Power Cooperative Association has assumed in part the indebtedness to United States of America, of North Central Mississippi Electric Power Association, arising out of loans made by United States of America pur-

suant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2852, dated June 28, 1950, by changing the project designation appearing therein as "Mississippi 48A De Soto" in the amount of $1,130,000 to read "Mississippi 48A De Soto" in the amount of $1,126,000 and "Oregon 37TP1 Wheeler (Mississippi 48A De Soto)" in the amount of $4,000.

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-7360; Filed, Aug. 19, 1953; 8:57 a. m.]

[Administrative Order 4327]

UTAH

LOAN ANNOUNCEMENT

AUGUST 4, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Utah 6W Garfield	$440,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-7361; Filed, Aug. 19, 1953; 8:57 a. m.]

[Administrative Order 4328]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 51U Newton	$265,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-7362; Filed, Aug. 19, 1953; 8:57 a. m.]

[Administrative Order 4329]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 12, 1953.

Inasmuch as Tri-County Electric Membership Corporation has transferred certain of its properties and assets to Four County Electric Membership Corporation, and Four County Electric Membership Corporation has assumed in part the indebtedness to United States of America, of Tri-County Electric Membership Corporation, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 842, dated June 21, 1944, by changing the project designation appearing there in as "North Carolina 4-3050B1 Wayne" in the amount of $780,372.36 to read "North Carolina 4-3050B1 Wayne" in the amount of $750,886.13 and "North Carolina 21TP1 Sampson (North Carolina 4-3050B1 Wayne)" in the amount of $29,486.23.

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 53-7363; Filed, Aug. 19, 1953; 8:57 a. m.]

[Administrative Order 4330]

OREGON

LOAN ANNOUNCEMENT

AUGUST 12, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 32M Columbia	$185,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 53-7364; Filed, Aug. 19, 1953; 8:57 a. m.]

[Administrative Order 4331]

WASHINGTON

LOAN ANNOUNCEMENT

AUGUST 12, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 32H Okanogan	$40,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 53-7365; Filed, Aug. 19, 1953; 8:57 a. m.]

[Administrative Order 4332]

ALABAMA

LOAN ANNOUNCEMENT

AUGUST 12, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 22W Butler	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 53-7366; Filed, Aug. 19, 1953; 8:57 a. m.]

[Administrative Order 4333]

KENTUCKY

LOAN ANNOUNCEMENT

AUGUST 14, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 45M Anderson	$125,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 53, 7367; Filed, Aug. 19, 1953; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8959, 10641]

RADIO WISCONSIN, INC., AND BADGER TELEVISION CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Wisconsin, Incorporated, Madison, Wisconsin, Docket No. 8959, File No. BPCT-410; Badger Television Company, Inc., Madison, Wisconsin, Docket No. 10641, File No. BPCT-1472; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of August 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Madison, Wisconsin; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated July 1, 1953, that their applications were mutually exclusive; that a hearing would be necessary; that certain questions were raised as a result of deficiencies of a technical nature in their applications; and that questions as to whether their proposals met the requirements of the Commission's rules were raised; and that Radio Wisconsin, Incorporated, was advised by a letter dated August 6, 1953, that certain questions were raised as a result of deficiencies of a financial nature in its application and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory;

that Radio Wisconsin, Incorporated, is legally and financially qualified to construct, own and operate a television broadcast station, and is technically so qualified except as to the matter specified in issue "1" below and that Badger Television Company, Inc., is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on September 11, 1953, in Washington, D. C., upon the following issues:

1. To determine whether the installation of the station proposed by Radio Wisconsin, Incorporated, in its above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: August 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7343; Filed, Aug. 19, 1953; 8:51 a. m.]

[Docket Nos. 10248, 10249]

MT. SCOTT TELECASTERS, INC., AND VANCOUVER RADIO CORP.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Mt. Scott Telecasters, Inc., Portland, Oregon, Docket No. 10248, File No. BPCT-939; Vancouver Radio Corporation, Vancouver, Washington, Docket No. 10249, File No. BPCT-959; for construction permits for new television stations (Channel 21).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of August 1953;

The Commission having under consideration the Initial Decision in the above-entitled proceeding released June 18, 1953, the exceptions and request for oral argument by Mt. Scott Telecasters, Inc., Portland, Oregon, filed July 7, 1953, and additions thereto filed by Mt. Scott Telecasters, Inc. on July 8, 1953;

It is ordered, That oral argument in this proceeding is scheduled for August 31, 1953, commencing at 10 a. m.

Released: August 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7344; Filed, Aug. 19, 1953; 8:52 a. m.]

[Docket Nos. 10268, 10269, 10270]

WJR, THE GOODWILL STATIONS, INC., ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of WJR, The Goodwill Stations, Inc., Flint, Michigan, Docket No. 10268, File No. BPCT-967; Trebit Corporation, Flint, Michigan, Docket No. 10269, File No. BPCT-968; W. S. Butterfield Theatres, Inc., Flint, Michigan, Docket No. 10270, File No. BPCT-953; for construction permits for new commercial television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of August 1953;

The Commission having under consideration the Initial Decision in the above-entitled proceeding, released April 30, 1953; the exceptions and request for oral argument filed by W S. Butterfield Theatres, Inc., on June 15, 1953; the exceptions and request for oral argument filed on June 15, 1953, by WJR, The Goodwill Station, Inc., the exceptions filed by the Chief of the Broadcast Bureau on June 15, 1953; a reply to exceptions filed by Trebit Corporation on June 25, 1953; a motion to strike the exceptions of the Chief of the Commission's Broadcast Bureau, filed on June 26, 1953 by Trebit Corporation; an opposition to the motion to strike exceptions, filed on July 3, 1953, by WJR, The Goodwill Station, Inc., and an opposition to the motion to strike exceptions, filed on July 3, 1953, by the Chief of the Commission's Broadcast Bureau; and

It appearing, that upon review of this proceeding and the issues raised in the foregoing pleadings, the Commission can best dispose of said issues after hearing oral argument thereon by the participants; and that therefore the proceeding should be scheduled for oral argument and the participants afforded an opportunity to address themselves not only to the Initial Decision and the exceptions thereto, but also to the issues raised in the foregoing pleadings;

It is ordered, That oral argument in this proceeding is scheduled for August 31, 1953, commencing at 10:00 a. m., that the participants herein are afforded an opportunity to address themselves not only to the Initial Decision and the exceptions filed thereto, but also to the issues raised by the foregoing pleadings; and that the parties are each allowed 30 minutes for the presentation of oral argument.

Released: August 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7345; Filed, Aug. 19, 1953; 8:52 a. m.]

[Docket No. 10336]

ALBUQUERQUE BROADCASTING CO. (KOB)

ORDER SCHEDULING ORAL ARGUMENT

In re application of Albuquerque Broadcasting Company (KOB) Albuquerque, New Mexico, Docket No. 10336, File No. BSSA-275; for extension of special service authorization.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of August 1953;

The Commission having under consideration (1) a motion filed May 15, 1953, by American Broadcasting-Paramount Theatres, Inc. (WABC) seeking a reopening of the record in the above-entitled proceeding; (2) oppositions to the motion, filed on May 22, 1953, by Albuquerque Broadcasting Company (KOB), and filed on May 25, 1953, by Westinghouse Radio Stations, Inc. (KBZ) and (3) comments filed on behalf of the Chief of the Commission's Broadcast Bureau on June 1, 1953, opposing a grant of the motion; and

It appearing, that the Initial Decision in the above-entitled proceeding was released on March 26, 1953, that exceptions to the Initial Decision and other relevant pleadings have been filed on behalf of all of the parties to the proceeding, and that oral argument has been requested before the Commission en banc; and

It further appearing, that upon review of this proceeding and the issues raised in the foregoing pleadings, the Commission can best dispose of said issues after hearing oral argument thereon by the participants; and that therefore the proceeding should be scheduled for oral argument and the participants afforded an opportunity to address themselves not only to the Initial Decision and the exceptions thereto, but also to the issues raised in the foregoing pleadings;

It is ordered, That oral argument in this proceeding is scheduled for Sept. 17, 1953, commencing at 10:00 a. m., and that the participants herein are afforded an opportunity to address themselves not only to the Initial Decision and the exceptions filed thereto, but also to the issues raised by the foregoing pleadings.

Released: August 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7346; Filed, Aug. 19, 1953; 8:52 a. m.]

[Docket Nos. 10442, 10644]

VERSLUIS RADIO AND TELEVISION, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING

In re applications of Versluis Radio and Television, Inc., Muskegon, Michigan, Docket No. 10442, File No. BPCT-1208; for a construction permit for a new television broadcast station; and Versluis Radio and Television, Inc., Muskegon, Michigan, File No. BMPCT-1140, Docket No. 10644; for modification of construction permit dated May 15, 1953.

1. The Commission is herein considering the application filed May 19, 1953, by Versluis Radio and Television, Inc., to modify the construction permit earlier granted without hearing by the Commission for a new television station to operate on Muskegon, Michigan, channel 35. The Commission's grant of the permit is now the subject of formal hearing on a protest filed under section 309 (c) of the Communications Act, as amended, by Music Broadcasting Company, licensee of standard broadcast station WGRD in Grand Rapids, Michigan, and applicant for new television facilities on Channel 23 in that city. Although other matters are in issue in the protest proceeding, it is clear that the protestant's principal objection flows from Commission approval without hearing of the choice by Versluis of a transmitter site that, it has been urged, is closer to Grand Rapids than to Muskegon and would permit Versluis to serve Grand Rapids using a channel allocated to Muskegon. At the hearing on the protest, testimony has been given which would establish that the operation proposed by Versluis would fail in slight degree to provide the minimum 80 dbu signal intensity over the entire city of Muskegon which is required by § 3.685 (a) of the Commission's rules. Versluis has, therefore, filed the application being here considered to modify its permit to insure that the requisite 80 dbu signal would be provided to all of Muskegon. This would be accomplished, according to the application to modify the permit, by directionalizing the antenna to provide greater radiation in the direction of Muskegon.

2. So that all questions might be resolved in the protest hearing, Versluis on May 19, 1953, petitioned the Commission to designate and consolidate the subject application for hearing in the proceeding on the protest by Music against the grant of the construction permit. This is opposed in a pleading filed May 29, 1953, by Music Broadcasting which requests that the application for modification of construction permit be placed in the pending file to await the outcome of the protest hearing. On June 3, 1953, Versluis filed its answer to the Music "Opposition" and renewed its request for consolidated hearing on the protest and on the application to modify the permit.

3. The hearing on the protest is currently in recess and the record open awaiting the Commission's action on the above-noted matters. The Commission is of the judgment that the Congressional direction to expedite the hearing and determination of protested grants warrants and relief requested by Versluis to designate the application to modify the construction permit for consolidated hearing with the protest against the grant of the permit.

4. In opposing a designation for hearing and urging that action on the modification application be held in abeyance to await decision on its protest, Music Broadcasting appears to be contending principally that the original grant, allegedly invalid because of the failure of the proposal to meet the 80 dbu minimum signal requirement, leaves no modifiable permit, or that, with the validity of the permit being tested in the protest proceeding, consideration of the modification application would be premature.

5. We are not impressed with these contentions. The permit granted to Versluis has not, by any action taken so far, been vacated or set aside. The alleged failure of the original Versluis proposal to provide a minimum 80 dbu signal over the entire city of Muskegon does not void the original grant of construction permit. The argument by Music that this situation would be like a grant of permit to one who is not a citizen must be rejected—lack of citizenship cannot be cured by amendment. Nor do we find anything compelling in the contention that consolidated consideration of the modification application in the protest proceeding would be premature or meaningless. Conceivably, the designation of the modification for hearing and consolidation in the main proceeding could be an empty gesture if a withdrawal of the permit should eventuate from the protest hearing. But for the only slightly larger burden involved in consolidating the modification application—and Versluis has offered to accept the burden of proof on its new proposal—substantial benefits to the public interest are held out by the opportunity thereby afforded to dispose finally of all substantive questions involved in the proceeding. This is not by way of predicting outcome—on a strict risk versus profit speculation, inclusion of the modification application in the main proceeding must prevail.

6. Section 309 (c) of the Communications Act, as amended, confers limited rights upon a restricted class of persons to compel Commission inquiry via the hearing process into the merits of an application earlier granted without hearing. Music Broadcasting, having qualified as a "party in interest" has been given the opportunity of proving in hearing that the Commission's grant to Versluis is contrary to the public interest. In exercising its right to contest, Music never, until the hearing was underway, raised the possibility that the Versluis proposal would fail to meet the 80 dbu minimum signal requirement. Instead, it was Music's position that minimum signal requirements aside, the Versluis proposal should not have been granted because of its use of a Muskegon channel to serve Grand Rapids. Designating and consolidating the modification application for hearing in the protest proceeding will assure Music the opportunity it originally sought when it filed its protest—to resolve the question of whether a station operating as it was assumed Versluis would operate with a minimum 80 dbu signal provided over the entire city of Muskegon from the transmitter site proposed in the application would serve the public interest. It is difficult to square Music's repeated dedication to expedition of this proceeding with its opposition to a simultaneous consideration of the application for modification of permit.

7. We find no rule or precedent against the action we are taking here. Nor can we see offense to any of the rights afforded by statute or regulation to Music. The latter will be afforded a fuller opportunity to try its case on the original and principal issues, cannot claim surprise since it raised the question of the deficiency in the Versluis proposal, and may even explore in connection with its principal contentions the implications of the request to modify the permit.

8. We find that the public interest can only profit from the action we are here taking, all without offense to the rights conferred upon Music as a protestant. To avoid further dispute on any of the matters raised by the pleadings, it is our judgment that the issues in the protest proceeding are already broad enough to cover such additional showing as may be necessitated by the consolidation of the application to modify the permit, and we are providing that the burden of proving that the modified proposal will engineeringwise meet the Commission's rules, regulations and policies must be met by the applicant. Accordingly, it is ordered that the petition of Versluis Radio and Television, Inc., to designate for hearing and consolidate in the hearing on Docket No. 10442 its application (File No. BMPCT-1140) to modify its construction permit for a new television station in Muskegon, Michigan, is granted, and that the request by Music Broadcasting Company, that the said application by Versluis Radio and Television, Inc., to modify its permit be placed in the pending file, is denied. It is further ordered that the said application (File No. BMPCT-1140) by Versluis Radio and Television, Inc., to modify its construction permit for a new television station in Muskegon, Michigan, is hereby designated for hearing in a consolidated proceeding with the hearing on the protest by Music Broadcasting Company in Docket No. 10442. It is further ordered that Music Broadcasting Company is hereby made a party to the hearing on the application (File No. BMPCT-1140) to modify the permit, and the burden of proving that the new proposal embodied in the application to modify the permit will meet the requirements of the Commission's rules, regulations and policies governing minimum signal requirements and the installation and performance of technical

equipment is hereby imposed upon Versluis Radio and Television, Inc.

Adopted: August 12, 1953.

Released: August 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7347; Filed, Aug. 19, 1953; 8:53 a. m.]

[Docket No. 10570]

SCRANTON BROADCASTERS, INC., AND MCL TELECASTING CORP.

ORDER SCHEDULING HEARING

In re application of Scranton Broadcasters, Incorporated, assignor, MCL Telecasting Corporation, assignee, Docket No. 10570, File No. BAPCT-32; for assignment of television construction permit of station WGBI-TV, Scranton, Pennsylvania.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of August 1953;

The Commission having under consideration the above-entitled application which was designated for hearing on June 25, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding is scheduled to be heard on September 21, 1953, at 10:00 a. m., in Washington, D. C.

Released: August 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7348; Filed, Aug. 19, 1953; 8:53 a. m.]

[Docket No. 10620]

ARKANSAS RADIO & EQUIPMENT CO.

ORDER CONTINUING HEARING

In re application of Arkansas Radio & Equipment Company, Little Rock, Arkansas, Docket No. 10620, File No. BPCT-810; for construction permit for a new television broadcast station.

On July 30, 1953, the Commission designated the above-entitled application of Arkansas Radio & Equipment Company for hearing on August 17, 1953, on issues designated in a protest filed July 15, 1953, by Arkansas Broadcasting Company. On August 11, 1953, Arkansas Broadcasting Company filed a pleading entitled "Dismissal of Protest". It appearing that this pleading may render hearing on the protest issues unnecessary: *It is ordered,* On the Examiner's own motion, that the August 17, 1953, hearing date be continued to September 17, 1953.

Dated: August 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7349; Filed, Aug. 19, 1953; 8:53 a. m.]

[Docket Nos. 10638, 10639, 10640]

DORSEY EUGENE NEWMAN ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Dorsey Eugene Newman, Hartselle, Alabama, Docket No. 10638, File No. BP-8334; Radio Atlanta, Incorporated (WERD), Atlanta, Georgia, Docket No. 10639, File No. BP-8569; WDMG, Incorporated (WDMG), Douglas, Georgia, Docket No. 10640, File No. BP-8648; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of August 1953;

The Commission having under consideration the above-entitled applications for construction permit for a new standard broadcast station at Hartselle, Alabama, and to increase the power of Radio Stations WERD, Atlanta, Georgia, and WDMG, Douglas, Georgia.

It appearing, that the applicant, Dorsey Eugene Newman, is legally, technically, financially, and otherwise qualified to operate the proposed station at Hartselle, Alabama, but the proposed operation is mutually exclusive with that of Station WERD, Atlanta, Georgia; and

It further appearing, that the applicant, Radio Atlanta, Incorporated, is legally, technically, financially, and otherwise qualified to operate Station WERD as proposed, but that the operation of WERD is mutually exclusive with the proposed operation at Hartselle, Alabama, would receive objectionable interference from the proposed operation of Station WDMG, Douglas, Georgia, and fails to comply with the Standards with respect to blanketing; and

It further appearing, that the applicant, WDMG, Inc., is legally, technically and otherwise qualified to operate Station WDMG as proposed, but that the application would involve interference to Stations WAMI, Opp, Alabama, and WERD, Atlanta, Georgia; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated April 22, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that the applicant, Radio Atlanta, Incorporated, by letter dated June 22, 1953, has replied to the Commission's letter of April 22, 1953, and that applicants Dorsey Eugene Newman and WDMG, Inc., failed to reply to said letter; and

It further appearing, that, the Commission, after consideration of the reply, is still unable to conclude that a grant would be in the public interest, a hearing is mandatory:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the financial qualifications of WDMG, Inc.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the Station WDMG would involve objectionable interference with Station WAMI, Opp, Alabama, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations, and the nature and character of the program service now being rendered by Station WAMI to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of Station WERD as proposed would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to blanketing within the 250 mv/m contour of Station WERD.

It is further ordered, That, The Opp Broadcasting Company, Inc., licensee of Radio Station WAMI, Opp, Alabama, is made a party to this proceeding.

Released: August 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7350; Filed, Aug. 19, 1953; 8:53 a. m.]

[Docket Nos. 10642, 10643]

WCAX BROADCASTING CORP. AND COLONIAL TELEVISION, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WCAX Broadcasting Corporation, Montpelier, Vermont, Docket No. 10642, File No. BPCT-1327; Colonial Television, Inc.,

Montpelier, Vermont, Docket No. 10643, File No. BPCT-1557; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of August 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Montpelier, Vermont; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated July 6, 1953, that their applications were mutually exclusive; that a hearing would be necessary, and the questions as to whether their proposed antenna systems and sites would constitute hazards to air navigation were unresolved; that WCAX Broadcasting Corporation was advised by the letter of July 6, 1953, that certain questions were raised as a result of deficiencies of a legal, financial and technical nature in its application; that Colonial Television, Inc., was advised by the letter of July 6, 1953, that certain questions were raised as a result of deficiencies of a financial and technical nature in its application; and that WCAX Broadcasting Corporation was advised by a further letter dated August 6, 1953, that certain questions were raised as a result of deficiencies of a financial nature in its application; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters (no reply having been received from Colonial Television, Inc.), the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that WCAX Broadcasting Corporation is legally and financially qualified to construct, own, and operate a television broadcast station and is technically so qualified except as to the matter referred to in issue "1" below; and that Colonial Television, Inc., is legally qualified to construct, own, and operate a television broadcast station and is technically so qualified except as to the matters referred to in the issues below;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on September 11, 1953, in Washington, D. C., upon the following issues:

1. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

2. To determine whether Colonial Television, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine whether the main studio site proposed by Colonial Television, Inc., in its above-entitled application is in accordance with the requirements of § 3.613 of the Commission's rules.

4. To determine whether the engineering data contained in the above-entitled application of Colonial Television, Inc., is in accordance with the requirements of § 3.684 of the Commission's rules.

5. To determine the transmitter output and effective radiated powers of the station proposed by Colonial Television, Inc., with particular reference to the ratio of aural to visual effective radiated power required by § 3.682 (a) (15) of the Commission's rules.

6. To determine the power gain of the antenna system proposed by Colonial Television, Inc., and the effect thereof on the calculated effective radiated power.

7. To determine whether any obstructions exist in the vicinity of the transmitter site proposed by Colonial Television, Inc., in its above-entitled application, and the effect thereof on its proposed operation.

8. To determine whether the operation proposed in the above-entitled application of Colonial Television, Inc., would provide the entire principal community to be served with the minimum field intensity required by § 3.685 of the Commission's rules.

9. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: August 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7351; Filed, Aug. 19, 1953; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 57-42 between the Member Lines of the Pacific Westbound Conference and Mitsui Steamship Company, Ltd., covers the admission of said company to associate membership in the Pacific Westbound Conference. As an associate member, Mitsui Steamship Company, Ltd., will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in Conference affairs; will be permitted to participate in contracts with shippers, and will be exempted from posting of the usual surety bond.

(2) Agreement No. 57-43 between the Member Lines of the Pacific Westbound Conference and Yamashita Kisen Kaisha, covers the admission of said company to associate membership in the Pacific Westbound Conference. As an associate member, Yamashita Kisen Kaisha, will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in Conference affairs; will be permitted to participate in Conference contracts with shippers, and will be exempted from posting of the usual surety bond.

(3) Agreement No. 57-44 between the Member Lines of the Pacific Westbound Conference and Shinnihon Steamship Co., Ltd., covers the admission of said company to associate membership in the Pacific Westbound Conference. As an associate member, Shinnihon Steamship Co., will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in Conference affairs; will be permitted to participate in Conference contracts with shippers, and will be exempted from posting of the surety bond.

(4) Agreement No. 57-45 between the Member Lines of the Pacific Westbound Conference and Kawasaki Kisen Kaisha, Ltd., covers the admission of said company to associate membership in the Pacific Westbound Conference. As an associate member, Kawasaki Kisen Kaisha, Ltd., will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in Conference affairs; will be permitted to participate in Conference contracts with shippers; and will be exempted from posting of the usual surety bond.

(5) Agreement No. 7902 between the carriers comprising A. P. Moller, Maersk Line joint service and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from designated areas in the Far East to Puerto Rico, with transhipment at specified U. S. Pacific Coast ports. Upon approval this agreement will supersede and cancel Agreement No. 6987 between A. P. Moller (Maersk Line) and Pope & Talbot, Inc.

(6) Agreement No. 7914 between Compania Naviera Independencia, S. A. (Independence Line), and Pacific Far East Line, Inc., covers the transportation of cargo under through bills of lading between Cuba and Guam, M. I., with transshipment at Los Angeles Harbor, Long Beach, San Francisco, Portland or Seattle.

(7) Agreement No. 8040-A between the Member Lines of the West Coast of India and Pakistan/U. S. A. Conference

and Compagnie Maritime Belge, S. A. and Compagnie Maritime Congolaise, S. C. R. L. (as one party only) covers the admission of said companies to associate membership in the West Coast of India and Pakistan/U. S. A. Conference. As an associate member, Compagnie Maritime Belge, S. A., and Compagnie Maritime Congolaise, S. C. R. L. will be obligated to abide by all of the rates, rules, regulations and decisions of the Conference, will have no vote in Conference affairs, and will be permitted to participate in Conference contracts with shippers.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 17, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 53-7339; Filed, Aug. 19, 1953; 8:50 a. m.]

FEDERAL POWER COMMISSION

SECRETARY

NOTICE OF DELEGATION OF FINAL AUTHORITY FOR ACCEPTING BONDS SUBMITTED PURSUANT TO REQUIREMENTS IN ORDERS

AUGUST 12, 1953.

Pursuant to section 3 (a) (1) of the Administrative Procedure Act, notice is hereby given that effective August 12, 1953, the Commission has made the following delegation of final authority:

Authorized the Secretary, or in his absence, the Acting Secretary, to accept for filing bonds submitted pursuant to the requirements in Commission orders when he determines that they are satisfactory.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 53-7324; Filed, Aug. 19, 1953; 8:47 a. m.]

[Docket No. E-6514]

MOUNTAIN STATES POWER CO.

NOTICE OF APPLICATION

AUGUST 17, 1953.

Take notice that on August 13, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Mountain States Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Idaho, Oregon, Montana and Wyoming, with its principal business office at Albany, Oregon, seeking an order authorizing the issuance of $8,000,000 principal amount of First Mortgage Bonds, Series due September 1, 1983. Said Bonds will bear interest at 4¼ percent per annum and are proposed to be issued on September 1, 1953, to mature September 1, 1983. The bonds will be issued to institutional investors, in the amounts indicated below:

John Hancock Mutual Life Insurance Co	$2,000,000
New England Mutual Life Insurance Co	2,000,000
Lincoln National Life Insurance Co	1,000,000
Connecticut General Life Insurance Co	1,000,000
Provident Mutual Life Insurance Co. of Philadelphia	1,000,000
Connecticut Mutual Life Insurance Co	500,000
Continental Assurance Co	500,000
Total	8,000,000

all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should on or before the 31st day of August 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 53-7337; Filed, Aug. 19, 1953; 8:50 a. m.]

[Docket No. G-1353]

GAS TRANSPORT, INC.

NOTICE OF ORDER GRANTING PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 14, 1953.

Notice is hereby given that on August 13, 1953, the Federal Power Commission issued its order adopted August 12, 1953, granting petition to amend order of April 28, 1950 (15 F. R. 2695), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 53-7325; Filed, Aug. 19, 1953; 8:47 a. m.]

[Docket No. G-1847]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF ORDER FURTHER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 14, 1953.

Notice is hereby given that on August 13, 1953, the Federal Power Commission issued its order adopted August 12, 1953, further amending order of July 25, 1952 (17 F. R. 7064) issuing certificate of public convenience and necessity by extending to August 31, 1953, the time for completion of construction of facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 53-7326; Filed, Aug. 19, 1953; 8:47 a. m.]

[Docket No. G-2030]

CHICAGO DISTRICT PIPELINE CO.

ORDER FIXING DATE OF HEARING

On July 15, 1953, the Chicago District Pipeline Company (Applicant) an Illinois corporation having its principal place of business at Joliet, Illinois, filed an application requesting modification of the Commission's Opinion No. 248 and accompanying order issued April 16, 1953, in the above-entitled matter, as described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 132 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on August 26, 1953, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: August 17, 1953.

Issued: August 17, 1953.

By the Commission:

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 53-7352; Filed, Aug. 19, 1953; 8:54 a. m.]

[Docket No. ID-632]

HAROLD P. TAYLOR

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

AUGUST 14, 1953.

Notice is hereby given that on August 13, 1953, the Federal Power Commission issued its order adopted August 12, 1953, authorizing applicant to hold certain

positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7327; Filed, Aug. 19, 1953; 8:47 a. m.]

[Project No. 871]

MT. BAKER RECREATION COMPANY, INC., AND CONSUELO M. LARABEE

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

AUGUST 14, 1953.

Notice is hereby given that on June 30, 1953, the Federal Power Commission issued its order adopted June 25, 1953, in the above-entitled matter, approving transfer of license (Minor) from Consuelo M. Larabee to Mt. Baker Recreation Company, Inc.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7328; Filed, Aug. 19, 1953; 8:48 a. m.]

[Project No. 2023]

EDNA M. GOSS

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

AUGUST 14, 1953.

Notice is hereby given that on June 30, 1953, the Federal Power Commission issued its order adopted June 25, 1953, in the above-entitled matter, approving transfer of license (Minor) from Edna M. Goss to Louis Miller and Verna M. Miller.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7329; Filed, Aug. 19, 1953; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT EXECUTIVE AGENCIES IN THE MATTER OF APPLICATION OF ATLANTA GAS LIGHT CO. FOR AUTHORITY TO INCREASE GAS RATES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of Atlanta Gas Light Company for Authority to Increase Gas Rates, Docket No. 553-U, before the Georgia Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of July 31, 1953.

Dated: August 17, 1953.

EDMUND F MANSURE,
Administrator

[F. R. Doc. 53-7383; Filed, Aug. 18, 1953; 5:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1096]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1953.

Standard Gas and Electric Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, No Par Value, from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration are as follows:

(1) Applicant, within the relatively near future, will distribute a large part of its assets to the holders of its common stock, and thereafter will distribute its remaining assets and be liquidated and dissolved or otherwise disposed of.

(2) In view of the curtailment of applicant's activities and its income as a result of its program for dissolution under the Public Utility Holding Company Act of 1935, applicant is endeavoring to reduce its expenses pending final dissolution.

(3) Applicant is of the opinion that it is no longer justified in incurring the additional expense of maintaining a Registrar and a Transfer Agent in Chicago that is required by the listing and registration of its common stock on the Midwest Stock Exchange.

(4) Only 400 shares of applicant's common stock were traded on the Midwest Stock Exchange during the year 1952, and the withdrawal of this security from listing and registration on this exchange will result in little, if any, inconvenience to the public or to investors.

(5) Applicant's common stock will continue to be listed and registered on the New York Stock Exchange until the time for consummation of the plan for final liquidation and dissolution of applicant.

Upon receipt of a request, prior to September 4, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-7333; Filed, Aug. 19, 1953; 8:49 a. m.]

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of August A. D. 1953.

The Commission by order adopted on March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1 par value common stock of Adolf Gobel, Inc. on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive, or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, effective at the opening of the trading session on said Exchange on August 17, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-7335; Filed, Aug. 19, 1953; 8:49 a. m.]

[File No. 1-3253]

FLOUR MILLS OF AMERICA, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of August A. D. 1953.

The Commission by order adopted on August 11, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $5 par value common stock of Flour Mills of America, Inc. on the Midwest Stock Exchange until the opening of the trading session on August 14, 1953, in order to prevent fraudulent, deceptive, or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means of instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the Midwest Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, effective at the opening of the trading session on said Exchange on August 14, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7332; Filed, Aug. 19, 1953; 8:48 a. m.]

[File No. 54-191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

SUPPLEMENTAL ORDER APPROVING PROPOSED AMENDMENTS TO CERTIFICATE OF INCORPORATION AND BY-LAWS IN ACCORDANCE WITH PLAN

AUGUST 14, 1953.

The Commission, by orders issued October 1, 1952, and March 3, 1953, respectively, having approved Steps I and II, as amended, of a plan ("Plan") filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Standard Gas and Electric Company ("Standard") a registered holding company, to effectuate compliance by Standard and its registered holding company subsidiary, Philadelphia Company, with the provisions of section 11 of the act, which Plan was enforced by orders of the United States District Court for the District of Delaware ("Court") entered November 7, 1952, and April 20, 1953, respectively; and

Pursuant to said Plan Standard's Certificate of Incorporation having been amended so as to provide (a) that no meeting of stockholders for the election of directors would be held in 1952, that the incumbent directors would hold over, and that such directors, subject to the approval of this Commission, could fill any existing or subsequently occurring vacancies on the Board of Directors, (b) that the Certificate of Incorporation would, subject to the approval of this Commission, be further amended prior to the date fixed by the by-laws for the 1953 annual meeting of stockholders so as to provide for the election of directors by the stockholders, and (c) that such further amendment would be effectuated pursuant to an order of the Court without any vote or consent of the stockholders; and

In accordance with the Plan, the orders approving and enforcing it, and the Certificate of Incorporation, Standard having now filed a supplemental application for approval of a proposal to amend its Certificate of Incorporation so as to provide for the election of directors by the stockholders, and to amend its by-laws to conform to the proposed amendment of its Certificate of Incorporation; and

It appearing that said proposed amendments of Standard's Certificate of Incorporation and by-laws are in accordance with the provisions of the Plan and the aforesaid orders of this Commission and the Court, and the Commission observing no basis for adverse findings and deeming it appropriate in the public interest and in the interest of investors that said application be granted, subject to the terms and conditions contained in Rule U-24, and to the further condition that Standard procure an appropriate order from the Court authorizing and directing Standard to make the proposed amendments:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder, that said supplemental application be granted, subject to the terms and conditions contained in Rule U-24 and to the further condition that Standard procure an appropriate order of the United States District Court for the District of Delaware authorizing and directing Standard to make the amendments proposed herein.

It is further ordered, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7331; Filed, Aug. 19, 1953; 8:48 a. m.]

[File No. 70-3116]

AMESBURY ELECTRIC LIGHT CO. ET AL.

NOTICE OF PROPOSED BORROWINGS BY SUBSIDIARIES FROM PARENT

AUGUST 14, 1953.

In the matter of Amesbury Electric Light Company, Athol Gas Company, Attleboro Steam and Electric Company, Connecticut River Power Company, Essex County Electric Company, Haverhill Electric Company, Northampton Gas Light Company, North Shore Gas Company, Norwood Gas Company, Southern Berkshire Power & Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System; File No. 70-3116.

Notice is hereby given that New England Electric System ("NEES") a registered holding company, and its above named subsidiary companies (hereinafter individually referred to as "Amesbury" "Athol" "Attleboro" "Connecticut" "Essex" "Haverhill" "Northampton" "North Shore" "Norwood" "Southern Berkshire" "Weymouth" and "Worcester" and collectively referred to as "the borrowing companies") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act") NEES and the borrowing companies have designated sections 6 (a) 7, 9 (a) 10 and 12 (f) of the act and Rules U-23, U-43 (a) U-45 (b) (1) and U-50 (a) (3) promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

The borrowing companies propose to issue to NEES, from time to time but not later than December 31, 1953, unsecured promissory notes in an aggregate principal amount not exceeding $12,630,000. Each of said notes will mature April 1, 1954, and will bear interest at the prime interest rate charged by banks on similar notes at the issue date thereof. The proposed notes may be prepaid, in whole or in part, without payment of a premium.

At the present time each borrowing company has outstanding note indebtedness payable to NEES. All of such notes mature prior to December 31, 1953. It is stated that the proceeds derived from the notes proposed to be issued by the borrowing companies will be used to pay off the notes presently held by NEES and, in addition in certain cases, will be used to pay for construction and for other corporate purposes. The following table shows the aggregate maximum principal amount of promissory notes each of the borrowing companies proposes to issue to NEES, the principal amount of promissory notes payable by each borrowing company to NEES as at July 1, 1953, and the new money requirements of such companies for construction and other corporate purposes to December 31, 1953.

Company	Notes proposed to be issued to NEES	Notes payable to NEES at July 1, 1953	New money requirements
Amesbury	$515,000	$515,000	$20,000
Athol	115,000	90,000	25,000
Attleboro	600,000	555,000	45,000
Connecticut	850,000	850,000	-------
Essex County	1,370,000	1,370,000	-------
Haverhill	1,000,000	800,000	200,000
Northampton	420,000	410,000	10,000
North Shore	1,250,000	1,250,000	-------
Norwood	475,000	375,000	50,000
Southern Berkshire	1,007,000	1,007,000	00,000
Weymouth	1,400,000	1,050,000	350,000
Worcester	3,000,000	3,000,000	-------
Total	12,630,000	11,710,000	920,000

In addition to the amount set forth in the above table, Connecticut has outstanding payable to NEES $2,635,000 of demand notes and $1,065,000 of advances and Worcester has outstanding payable to banks $1,100,000 of short term promissory notes. In an application, identified by this Commission's File No. 70-3117, Connecticut, Essex and Worcester propose to issue to banks $3,800,000, $1,385,000 and $3,500,000, respectively, of short term notes. Essex and North Shore are the resulting companies of consolidations proposed in an application identified by this Commission's File No. 70-3038. (See Holding Company Act Release No. 11868.) The amounts set forth in the above table as notes payable to NEES by Essex and North Shore represent note indebtedness payable by Beverly Gas and Electric Company to NEES and advances owed by Gloucester Gas Light Company to NEES, such companies being affiliated companies and involved in the proposed consolidations. In addition, if such consolidations are approved and consummated, Essex will assume an aggregate of $930,000 of notes payable to banks by Gloucester Electric Company and Salem Electric Lighting Company, two other affiliated companies involved in one of the proposed consolidations. Furthermore, in the same application, Essex proposes to issue to banks $2,060,000 of unsecured promissory notes to purchase certain 23 KV lines and related equipment and supplies from New England Power Company, another affiliated company.

Each of the borrowing companies indicate that the proposed borrowings will be replaced with permanent financing and propose that the proceeds derived from such permanent financing will be applied in reduction of, or in total payment of, the notes then outstanding, and the borrowing power of each borrowing company evidenced by authorized but unissued notes, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each borrowing company, or an aggregate of $1,300.

The application-declaration further states that no State commission, with the exception of the Public Service Commission of New Hampshire which has granted Connecticut an exemption with respect to the borrowings proposed by that company and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than August 27, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his request, the reasons for such request and the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after that date, said application-declaration, in whole or in part and as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transaction therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7336; Filed, Aug. 19, 1953; 8:49 a. m.]

[File No. 70-3117]

NARRAGANSETT ELECTRIC CO. ET AL.

NOTICE OF FILING TO ISSUE SHORT TERM UNSECURED PROMISSORY NOTES TO BANKS IN AGGREGATE AMOUNT THEREBY INCREASING BANK BORROWINGS

AUGUST 14, 1953.

In the matter of The Narragansett Electric Company, Connecticut River Power Company, Essex County Electric Company Granite State Electric Company, Lawrence Electric Company, Lawrence Gas Company, the Lowell Electric Light Corporation, Northampton Electric Lighting Company, Northern Berkshire Electric Company, Berkshire Gas Company, Quincy Electric Light and Power Company, Suburban Electric Company, Worcester County Electric Company· File No. 70-3117.

Notice is hereby given that the above named companies (hereinafter individually referred to as "Narragansett" "Connecticut" "Essex" "Granite" "Lawrence" "Lawrence Gas" "Lowell" "Northampton" "Northern" "Berkshire" "Quincy" "Suburban" and "Worcester" and hereinafter collectively referred to as "the borrowing companies") all subsidiary companies of New England Electric System ("NEES") a registered holding company, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935. The borrowing companies have designated sections 6 and 7 of the act and Rules U-23, U-42 (b) (2) and U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to banks, from time to time but not later than December 31, 1953, unsecured promissory notes in the aggregate amount of $29,020,000. Each of such notes will mature six months after its issue date and, with the exceptions hereinafter stated, will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said prime interest rate at the present time is 3¼ percent. Each of the notes proposed to be issued by Lawrence Gas and Berkshire will bear interest at said prime interest rate at the issue date thereof plus ¼ of 1 percent. Suburban, one of the borrowing companies, does not exist as such and now is Malden Electric Company, the name of which will be changed to Suburban if a merger proposed in an application identified by this Commission's File No. 70-3039 is consummated. (See Holding Company Act Release No. 11869.) Essex, another borrowing company, is a resulting company of a consolidation proposed in an application identified by this Commission's File No. 70-3038. (See Holding Company Act Release No. 11868.)

Each of the borrowing companies, except Connecticut and Quincy, presently has outstanding notes payable to banks. Connecticut, Quincy, Essex and Worcester have outstanding notes payable to NEES. The following table shows the aggregate face amount of promissory notes proposed to be issued by each of the borrowing companies and the application by such companies of the proceeds therefrom:

Company	Amount of notes proposed to be issued	Proceeds to be used to pay notes	Proceeds to be used for construction and other corporate purposes
Narragansett	$7,450,000	$2,250,000	$5,200,000
Connecticut	3,800,000		3,800,000
Essex	1,385,000	930,000	455,000
Granite	200,000	50,000	150,000
Lawrence	1,725,000	1,225,000	500,000
Lawrence Gas	800,000	500,000	300,000
Lowell	3,500,000	3,200,000	300,000
Northampton	375,000	325,000	50,000
Northern	1,050,000	800,000	250,000
Berkshire	730,000	430,000	300,000
Quincy	1,280,000	1,080,000	200,000
Suburban	3,135,000	2,420,000	715,000
Worcester	3,500,000	1,100,000	2,400,000
Total	29,020,000	14,400,000	14,620,000

In addition to the bank borrowings shown above in first column, Essex in File No. 70-3038 and Suburban in File No. 70-3039 propose to issue to banks unsecured promissory notes in the respective amounts of $2,060,000 and $735,000. In each case if the note issue is approved by the necessary regulatory commissions, the proceeds derived therefrom will be used to purchase certain 23 KV electric lines and related equipment and supplies from New England Power Company, an affiliated company.

It is stated that each of the borrowing companies expects to permanently finance its note borrowings and the proceeds from any permanent financing undertaken by each company will be applied by such company in reduction of or in total payment of, its then outstanding notes and the amount of authorized but unissued notes will be reduced by the amount, if any, by which the permanent financing exceeds the notes outstanding at the time.

It is further stated that incidental services in connection with the proposed transactions will be performed by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for each of the borrowing companies, or the aggregate sum of $1,300. It is further stated that, except as referred to below, no approval by any State commission or Federal commission, other than this Commission, is required with respect to the proposed transactions. With respect to Granite, the Public Utilities Commission of New Hampshire, by order, exempted the issuance of notes, bonds and other evidence of indebtedness payable in less than twelve months from the issue date thereof in an amount not exceeding $600,000. Connecticut has requested that the New Hampshire Commission grant it a similar exemption to issue such indebtedness in an amount not in excess of $10,000,000.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than August 27, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 27, 1953, such application-declaration, in whole or in part and as filed or as amended, may be granted, or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof,

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7334; Filed, Aug. 19, 1953; 8:49 a. m.]

[File No. 70-3123]

AMERICAN NATURAL GAS CO. AND AMERICAN LOUISIANA PIPE LINE CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE BY NONUTILITY SUBSIDIARY OF SHARES OF ITS COMMON STOCK TO ITS PARENT FOR CASH CONSIDERATION

AUGUST 14, 1953.

Notice is hereby given that American Natural Gas Company ("American Natural") a registered holding company, and American Louisiana Pipe Line Company ("American Louisiana") a nonutility subsidiary thereof, have filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (a) 7, 9 (a) 10, and 12 (f) thereof and Rule U-50 (a) (3) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 26, 1953 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 26, 1953, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

American Louisiana, a Delaware corporation, was recently organized to construct and operate a natural gas pipe line system extending from points in Louisiana to markets served by subsidiaries of American Natural.

The corporation has an authorized capital stock consisting of three hundred fifty thousand (350,000) shares of the par value of one hundred dollars ($100) each, all of one class.

From time to time as funds are needed by American Louisiana to pay certain costs and expenses of such pipe line project, and for other corporate purposes, American Louisiana proposes to issue to American Natural for cash at the par value thereof such number of shares of its capital stock (up to but not exceeding 5,000 shares) as may be necessary to provide funds for such purposes; and American Natural proposes to acquire and pay for the shares so issued to it.

The application-declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the transactions herein proposed.

It is requested that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7330; Filed, Aug. 19, 1953; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28369]

ROOFING AND BUILDING MATERIALS FROM TUSCALOOSA, ALA., TO DOTHAN, ALA.

APPLICATION FOR RELIEF

AUGUST 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Roofing and building materials, as described in the application, carloads.

From: Tuscaloosa, Ala.

To: Dothan, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers, to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1295, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7312; Filed, Aug. 19, 1953; 8:45 a. m.]

[4th Sec. Application 28370]

MOTOR-RAIL RATES BETWEEN NEW HAVEN, CONN., AND HARLEM RIVER, N. Y., SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

AUGUST 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: New Haven, Conn., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If

because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7313; Filed, Aug. 19, 1953; 8:45 a. m.]

[4th Sec. Application 28371]

CARBONATE OF CALCIUM FROM POINTS IN OHIO, AND WYANDOTTE, MICH., TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to schedules listed below.

Commodities involved: Calcium, carbonate of, carloads.

From: Barberton, Fairport Harbor, Painesville, and Perry, Ohio, and Wyandotte, Mich.

To: Specified points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, tariff I. C. C. No. 4542, supp. 26; AC&Y RR tariff I. C. C. No. 451, supp. 14; B&O RR tariff I. C. C. No. 24126, supp. 1, DT&I RR tariff I. C. C. No. 714, supp. 54; Erie RR tariff I. C. C. No. A-7805, supp. ---, P RR tariff I. C. C. No. 3305, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7314; Filed, Aug. 19, 1953; 8:45 a. m.]

[4th Sec. Application 28372]

CRUSHED STONE FROM MOUNT AIRY, N. C., TO EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

AUGUST 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company for itself and on behalf of the Cincinnati, New Orleans and Texas Pacific Railway Company.

Commodities involved: Stone, crushed (except bituminous rock or bituminous asphalt rock) carloads.

From: Mount Airy, N. C.

To: East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1315, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing; upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7315; Filed, Aug. 19, 1953; 8:46 a. m.]

[4th Sec. Application 28373]

NEWSPRINT PAPER FROM COOSA PINES AND CHILDERSBURG, ALA., TO POINTS IN TEXAS

APPLICATION FOR RELIEF

AUGUST 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Newsprint paper, carloads.

From: Coosa Pines and Childersburg, Ala.

To: Athens, Baytown, Del Rio, Lamesa, Snyder, Waxahachie, and Wichita Falls, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, tariff I. C. C. No. 4063, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7316; Filed, Aug. 19, 1953; 8:46 a. m.]

[4th Sec. Application 28374]

ROSIN, WOOD TURPENTINE, AND RELATED ARTICLES FROM LOUISIANA TO ILLINOIS, MISSOURI AND WISCONSIN

APPLICATION FOR RELIEF

AUGUST 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3836.

Commodities involved: Rosin and wood turpentine and related articles, carloads.

From. Alexandria, De Ridder, De Quincy, and Bakdale, La.

To: Cairo, Ill., Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a

hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7317; Filed, Aug. 19, 1953; 8:46 a. m.]

[No. 31321]

ALABAMA INTRASTATE RATES AND CHARGES ON COAL AND LUMBER

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of August A. D. 1953.

It appearing, that a petition, dated June 19, 1953, has been filed on behalf of the Alabama Central Railroad Company and other common carriers by railroad operating to, from, and between points in Alabama, in interstate and intrastate commerce, averring that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 557 and 284 I. C. C. 589, the Commission authorized certain increases in interstate freight rates, including rates on coal and lumber, maintained by petitioners and other common carriers by railroad which were later established; and that the Public Service Commission of Alabama by various orders has refused to authorize or permit said petitioners to apply to the intrastate transportation of coal and lumber (and articles taking lumber rates) between points in Alabama increases in freight rates and charges corresponding to those approved for interstate application in the proceeding above cited:

It further appearing, that said petitioners allege that the rates and charges which they are required to maintain for the intrastate transportation of coal and lumber by railroad between points in Alabama, as a result of such refusal by the Public Service Commission of Alabama, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate commerce;

It further appearing, that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Alabama,

And it further appearing, that the investigation hereinafter instituted pursuant to section 13 of the Interstate Commerce Act is without prejudice to subsequent appropriate consideration on their merits of the arguments made by the Alabama Public Service Commission in its reply to the petition:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates ad charges of said respondents, or any of them, for the intrastate transportation of coal and lumber (and articles taking lumber rates) by railroad between points in Alabama cause, or may cause, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce; and to determine, what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating in Alabama, subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Alabama be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Public Service Commission of Alabama;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.,

And it is further ordered, That this proceeding be assigned for hearing at a time and place hereafter to be designated.

By the Commission, Division 1.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7318; Filed, Aug. 19, 1953; 8:46 a. m.]